

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
TWENTY-FIRST DAY
December 18, 2002
Continuation from December 17, 2002**

A CONTINUATION OF THE GENERAL MEETING WAS HELD AT THE
WILLIAM H. ROGERS LEGISLATURE BUILDING IN THE
ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM,
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY:
ALISON MAHONEY - COURT STENOGRAPHER

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[THE MEETING WAS RECONVENED TO ORDER AT 1:20 P.M.]

P.O. TONNA:
Henry, roll call.

MR. BARTON:
Good morning, Mr. Chairman.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
(Not present).

LEG. TOWLE:
(Not present).

LEG. CARACAPPA:
Here.

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Yeah.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
(Not present).

P.O. TONNA:
Here.

MR. BARTON:
Fifteen are present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:
Thank you. All rise for the Pledge of Allegiance.

Salutation

being my last meeting as Presiding Officer, I thought I would share with you an old Irish Prayer, an old Irish Prayer; it's a short prayer.

May those who love us love us and those who don't love us, may God turn their hearts. And if he doesn't turn their hearts, may he turn their ankles so we'll know them by their limping. Thank you.

LEG. HALEY:
Why are you limping, Allen?

P.O. TONNA:
You can't make up these things. That's in record, right?

We are right now at Sense 75-2002 - Memorializing Resolution requesting the State of New York to reject any proposed reinstatement of New York City Commuter Income Tax (Lindsay). There was a motion by Legislator Fisher, seconded by Legislator Foley.

LEG. BINDER:
On the motion.

P.O. TONNA:
On the motion, Legislator Binder.

LEG. BINDER:
Sorry, we're going to start where we left off. Can we have --

P.O. TONNA:
As long as it's where we left off.

LEG. BINDER:
Mr. Isles, is he here? Can we have anybody from Real Estate; how about somebody from Real Estate since they know we were doing this, I would think, I would think that someone is here, right?

P.O. TONNA:

Well, we have not -- in all fairness, we had not requested them again

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I think, at least I didn't, so I guess I'm responsible. I mean, you might say it's intuitive that they would know to come back but --

LEG. BINDER:

Then I would ask that we skip over it, someone ask that Real Estate come down here, Mr. Isles.

P.O. TONNA:

Okay. I would ask that somebody from Real Estate come down.

LEG. BINDER:

Planning also. Can we just have them down here?

P.O. TONNA:

Okay. And I think that there was a request from Legislator Caracciolo with regard to the Review --

LEG. CARACCIOLO:

Review appraiser.

P.O. TONNA:

-- Appraiser's report.

LEG. CARACCIOLO:

Copies of the review appraisal.

LEG. BINDER:

And also the appraisal themselves, I'd like to see the appraisals on these so we can see the basis for the appraisal.

LEG. LINDSAY:

We have them.

LEG. BINDER:

No, no, he doesn't have the actual appraisal.

P.O. TONNA:

Well, we're going to skip over them. So there's been a request and we'll come back to these bills with regard to the appraiser's report and there's two, one from the Town of Brookhaven and one from the County, right? And then there would be a Review Appraiser's, that's the term? That's the term Newsday used; is that the term? Okay. With regard to -- Henry, you got that one. Anyway, so that we can find out what they had to say. Okay.

Let's go to 2285 - Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law (County Executive). Is there a motion? Motion by Legislator Bishop, seconded by Legislator Foley. All in favor? Opposed?

LEG. FISHER:

Wait, wait.

P.O. TONNA:

2285, okay.

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LEG. FOLEY:

Just for the record, Mr. Chairman.

P.O. TONNA:

Todd, you heard the request, right? Okay, just to keep you guys hopping and bopping.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Yes, Mr. Foley.

LEG. FOLEY:

Mr. Chairman, just for the record, if Counsel could just briefly describe Section 406, why certain properties are being conveyed to -- under that particular --

MR. SABATINO:

This property which totals a little over 2,000 acres is being dedicated to a public purpose under State law so that \$12,380.84 in taxes that otherwise would be paid will be avoided in the future. That section, if you dedicate to a public purpose, permits the County to avoid paying taxes on the 2,100 acres.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Okay, that was already approved. 2285?

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Thank you.

2296 - Implementing Aquaculture Committee recommendations in connection with County Shellfish Cultivation Leasing Authority (Peconic and Gardiners Bays) (Crecca). There is a motion by Legislator Crecca?

LEG. CRECCA:

Yes.

P.O. TONNA:

Seconded by Legislator Tonna. All in favor? Opposed?

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Thank you.

Okay, now we go to Resolution No. 2300, 2300A - Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program (CP 7177) (County Executive). It's a Bonding Resolution. There's a motion by Legislator Bishop, seconded by Legislator Caracciolo. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

Yes. 15, three not present on the bond (Not Present: Legislators Guldi, Towle & Postal).

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P.O. TONNA:

Thank you very much. Same second, same -- same motion, same second, same vote.

Now we're into Public Safety & Public Information:

2241 - Establishing County website for tracking traffic accidents (Bishop). Legislator Bishop, do you -- is this a motion to pass?

LEG. BISHOP:

Yes.

P.O. TONNA:

Seconded by Legislator Carpenter. All in favor? Establish

LEG. BISHOP:

The members of the Public Safety Committee are all to be listed as cosponsors. Thank you.

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Great. Okay, thank you very much.

MR. BARTON:

By the way, Mr. Chairman?

P.O. TONNA:

Yes, by the way.

MR. BARTON:
My office hates it.

P.O. TONNA:
Okay, thank you.

MR. BARTON:
Since we're responsible for typing in accident reports instead of DPW
or the Police Department.

P.O. TONNA:
Okay, I will take that under note.

MR. BARTON:
Okay.

P.O. TONNA:
All right?

LEG. BISHOP:
Were you asked? You were asked to comment officially, you never got
back.

LEG. BINDER:
Wait, wait, no, no, no. Mr. Chairman, on the motion.

MR. BARTON:
Legislators, in all fairness --

P.O. TONNA:
Can I ask you, was there --

MR. BARTON:
-- when you asked me to comment --

P.O. TONNA:

Henry.

MR. BARTON:

-- my office was not mentioned in the resolution.

P.O. TONNA:

Henry, was there a Christmas party and you had a little eggnog?

MR. BARTON:

No.

P.O. TONNA:

I mean, what's going on here?

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Okay. Yes, Legislator Binder.

LEG. BINDER:

On the motion.

P.O. TONNA:

No, it's already been voted on and passed.

LEG. BISHOP:

Well, let me just explain my --

LEG. BINDER:

Did you call out the number on that?

P.O. TONNA:

Yeah, he did. Sorry, sir. But you want to say something? Go ahead, why not.

LEG. BISHOP:

Let me just explain what --

P.O. TONNA:

Oh, you want to say --

LEG. BISHOP:

-- how the resolution envisions it.

P.O. TONNA:

But why? It's already passed.

LEG. BISHOP:

Well, because it's been --

P.O. TONNA:

Well, maybe it would be nice for you, but for the rest of us, we want to get on with the day.

LEG. BISHOP:

Okay, never mind.

P.O. TONNA:

Okay.

2278, 2278A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with improvements to the County Correctional Facility C-141, Riverhead, for the installation of tamper proof security grills (CP 3014) (County Executive). Is there a motion? Motion by Legislator -- I will make a motion, seconded by Legislator Carpenter. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

P.O. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCIOLO:

Yes.

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Okay, same motion, same second, same vote.

Can I just ask a question, and I'll ask legal Counsel, on this bill?
Why isn't this in Public Works? This Correctional facility. It's a
Capital --

MR. SABATINO:

Because the correctional facility is run by the Sheriff which is
Public Safety.

P.O. TONNA:

Okay. Why isn't it secondary in Public Works if it has to do with
Public Works type of stuff?

MR. SABATINO:

It could be.

P.O. TONNA:

Okay. I'm just trying to get an idea. No, this is the first time --
I'm just -- I'm saying -- whatever. No, I have other things to do to
drive you nuts, I'll extend the meeting; no, I'm joking.

Okay, 2284 -- that was the same motion, same second, same vote on this
last one.

2284 - Accepting and appropriating a grant in the amount of \$109,000
from the State of New York Governor's Traffic Safety Committee to
target speeding and aggressive driving with 92.87% support (County
Executive). Is there a motion?

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LEG. FOLEY:

Motion.

P.O. TONNA:

By Legislator Foley, seconded by Legislator Carpenter. All in favor?
Opposed? Approved.

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle &

Postal).

P.O. TONNA:

Okay. No. 2289, 2289A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with a Corrections System Needs Assessment Study (CP 3008) (County Executive). Motion by Legislator Carpenter, seconded by Legislator Caracappa. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARPENTER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:
(Not Present).

LEG. GULDI:
(Not Present).

LEG. CARACCIOLO:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
15, three not present on the bond (Not Present: Legislators Guldi,
Towle & Postal).

P.O. TONNA:
Okay. Just with 2278, the question I had, Paul, could you just say
that again?

MR. SABATINO:
Yeah. The other point, Mr. Chairman, is that that particular
initiative is to deal with suicide prevention, it's a response to the
two deaths that occurred at the jail.

P.O. TONNA:
Right.

MR. SABATINO:
So it wasn't a Public Works issue, it was a Public Safety litigation
issue.

P.O. TONNA:
Okay, thank you. All right, I'm sorry, I thought this was the
correctional facility.

LEG. HALEY:
He's a lawyer, too.

P.O. TONNA:

Okay. Did I say same motion, same second, same vote on 2289?

2295, 2295A - Amending the 2002 Capital Program and Budget and appropriating planning funds for the construction of a combined Police/Sheriff Quartermaster Supply and Storage Building, Yaphank (CP 3181.310) (Carpenter). Legislator Carpenter?

LEG. CARPENTER:

I would say motion but there's a corrected copy.

P.O. TONNA:

So we have to -- okay. Where is the CN? Do you have your CN's in front of you?

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LEG. FOLEY:

Yeah; actually we do, yes.

P.O. TONNA:

2295?

LEG. FOLEY:

As we're looking --

LEG. CARPENTER:

Yeah, there was a conflict with some of the offsets so Budget Review will address that change then.

P.O. TONNA:

No. The only thing, we've been doing it in the numbers like we did yesterday, it's the same bill.

LEG. CARPENTER:

We have this resolution only it's a corrected copy.

P.O. TONNA:

It's the same bill, it's the same exact bill. Okay. So there's a motion by Legislator Carpenter, seconded by Legislator --

LEG. FOLEY:

Yeah, just on the motion, Mr. Chairman.

P.O. TONNA:

Wait, let me get a second by Legislator Caracappa. On the motion, Legislator Foley?

LEG. FOLEY:

We're looking at 22 --

P.O. TONNA:

Legislator Foley, on the motion.

LEG. FOLEY:

Yeah. Where in Yaphank, Legislator Carpenter, are they intending to construct the facility?

LEG. CARPENTER:

Near Police Headquarters. There is someone here from the Police Department, Chief Otto is here from the Sheriff's Department and Rich LaValle is here from Public Works. So if you would like, we can bring them forward --

LEG. FOLEY:

Yeah, why don't we do that.

LEG. CARPENTER:

-- and they can answer any specific questions. But this joint facility was as a result of a suggestion made by Budget Review because the Quartermaster Building was something that the Police Department has been needing for a long time as was the Sheriff's Department and because of the close proximity of the two departments, Budget Review

felt it would be more efficient to have one combined facility. So we reached out to the departments and both were extraordinarily receptive and have been working together for a number of months in trying to alter the original plans that they had so that they could accommodate both the Sheriff's Department and the Police Department.

LEG. FOLEY:
Okay, thank you.

LEG. LINDSAY:
You better have a question.

LEG. CARPENTER:
Thank you for being here all of those hours yesterday and coming back today.

LEG. FOLEY:
Mr. Chairman, my question was where --

P.O. TONNA:
Yes. Legislator Foley has a question for you, gentlemen.

LEG. FOLEY:
Where do you intend to construct the facility in Yaphank? You have to speak closely into the mike.

P.O. TONNA:
You might have to turn it on, sir. There you go.

LIEUTENANT PAPAVERO:
First of all, happy holidays.

P.O. TONNA:
Thank you

LIEUTENANT PAPAVERO:
And thank you all for the hard work you do on behalf of the County, I got to see that yesterday; thank you.

It starts the north parking lot -- I'm Lieutenant Don Papavero, P-A-P-A-V-E-R-O, Suffolk County police, Staff Services. It's the north parking lot basically of the headquarters building, it would be just north, kind of northwest of it. You use the same parking lot.

LEG. FOLEY:
So it's not the farm field behind the headquarters building, it will be the parking area, parking lot behind the headquarters.

LIEUTENANT PAPAVERO:
Right.

LEG. FOLEY:
Okay. Is there any intention of going on to the field behind it at all or no, with this project?

LIEUTENANT PAPAVERO:

I think some of that area will be used but it's -- as far as the roads and parking and lighting, it's all going to be the same stuff that's there existing now.

LEG. FOLEY:

Okay.

LIEUTENANT PAPAVERO:

As far as the footprint of the actual building, I'm not positive of exactly where it is but it's close enough that we're using the same parking lot and the same --

LEG. FOLEY:

If we can hear from -- maybe from -- thank you, sir. Mr. Chairman, if we could hear from the Public Works Department who should -- is there any encroachment upon --

P.O. TONNA:

Mr. LaValle is here I think to speak.

LEG. FOLEY:

Any encroachment upon the farm field behind the headquarters?

MR. BARTON:

Mr. Chairman? Mr. Chairman?

MS. MAHONEY:

My machine has shut off, I need to get a new one.

P.O. TONNA:

Your machine shut off? All right. Legislator Foley, you'll have to repeat every single thing that you've said over again.

LEG. FOLEY:

Yeah, I can wait, sure.

P.O. TONNA:
Take your time.

(*Brief Recess Taken*)

LEG. FOLEY:
Ready? All right. All right, if I can, Mr. Chairman, just follow through on this meeting in a timely fashion. Again, is there any encroachment upon the farm field behind the headquarters with this facility?

CHIEF DEPUTY COMMISSIONER LAVALLE:
There shouldn't be any impacts back there. In fact, the major portion of that area behind Police Headquarters is going to be used by Mastic Sports Soccer Club for that purpose.

LEG. FOLEY:
Correct.

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CHIEF DEPUTY COMMISSIONER LAVALLE:
And we have been coordinating with the Parks Department as well as the soccer club for the use of those fields.

LEG. FOLEY:
So in other words this facility --

CHIEF DEPUTY COMMISSIONER LAVALLE:
It shouldn't impact that operation.

LEG. FOLEY:
Okay.

CHIEF DEPUTY COMMISSIONER LAVALLE:
No, not at all.

LEG. FOLEY:
Thank you, Mr. Chairman. Okay. Well, the Deputy Presiding Officer isn't here either, so.

LEG. HALEY:
Have no fear, I'm in charge.

LEG. FOLEY:
Yeah, right; Alexander Hague, here we are.

P.O. TONNA:
Okay. Dave? All Legislators please come to the horseshoe. Okay,
roll call.

MR. BARTON:
On the CN.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARPENTER:
Yes.

LEG. CARACAPPA:
(Not in room).

P.O. TONNA:
He'll be here.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

P.O. TONNA:
There he is.

LEG. CARACAPPA:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. GULDI:

(Not present).

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

14, 1 abstention, 3 not present on the bond (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

And that's what we needed, right? Same motion, same second, same vote.

Public Works & Transportation:

1765 - Transferring escrow account revenues and transferring assessment stabilization reserve funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and

Program and appropriating funds for improvements to the facilities in Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126) (County Executive). Is there a motion? Legislator Caracappa, or Legislator -- is this Crecca? Legislator Crecca, second by Legislator Nowick. All in favor? Opposed?

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LEG. ALDEN:
On the motion.

P.O. TONNA:
On the motion.

LEG. ALDEN:
Can I get an explanation, Paul, on what this actually does?

MR. SABATINO:
Yes. 1765 would use \$98,100 which is currently in an escrow account and transfer an additional \$2 million from the Quarter Percent Fund for the construction of improvement in the Hauppauge Industrial Complex. So it's drawing down escrow money that was contributed by developers and it would draw \$2 million from the Quarter Percent Fund to basically get the construction work done which involves the abandonment of two treatment plants and some work through the Pilgrim Psychiatric Center Pump Station to get it to Bergen Point. So it's part of a bigger project.

LEG. CRECCA:
If I --

LEG. ALDEN:
Go ahead.

LEG. CRECCA:
No, I was going to add just to give you a little more information, too. It mostly affects the Hauppauge Industrial Association, that area in there in Hauppauge. And we did table this for a number of cycles so that it can be worked on and worked out some details between the industrial users which is really it's all industrial use of these sewer districts. And it should provide -- it's going to provide for a

larger capacity at the one and be able to close down several others.

LEG. ALDEN:

Okay. Fred Pollert, on the transfer of the \$2 million from the Quarter Cent, how does that effect that and was that anticipated?

MR. SABATINO:

I left out one thing, it's going to be a loan that will be paid back --

LEG. ALDEN:

Oh, okay.

MR. SABATINO:

It's a loan that will be paid back with the rate set at 5%, I left that out.

LEG. ALDEN:

Okay, sorry. Go ahead.

P.O. TONNA:

Okay. We had a roll call.

LEG. LINDSAY:

No, we had a vote.

P.O. TONNA:

Yeah, we had a vote, all he has to do is call it.

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Thank you very much.

2215, 2215A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with roof replacement on various

County buildings (CP 1623) (County Executive). Roll call. Well, let me get a motion by Legislator Caracappa, seconded --

LEG. CARACAPPA:
No.

P.O. TONNA:
No?

LEG. FOLEY:
I will make the motion.

P.O. TONNA:
Motion by Legislator Foley. Seconded by?

LEG. CARPENTER:
Second.

P.O. TONNA:
Legislator Carpenter. Roll call.

MR. SABATINO:
This takes 14 votes also, it's a change in the method of financing.

LEG. CARACCIOLO:
What is the change?

MR. SABATINO:
It's going from pay-as-you-go to borrowing.

LEG. FOLEY:
Two hundred thousand dollars is a series of buildings whose roofs have reached their life span, use of life so to speak, one of which is the Board of Elections, the Public Works building and a few others that --

LEG. CARACAPPA:
BOMARC.

LEG. FOLEY:
BOMARC, particularly BOMARC with the archival responsibilities there

now, they would be in a very difficult situation if they don't have the right roof in order to safeguard the documents of the County.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Okay, on the motion.

LEG. ALDEN:
Legislator Caracappa, this is your committee. Have we given thought to -- I mean, things changed in the County, our financial situation changed, and as far as -- I know we do like to go out a couple of years with our Capital Program, but it's always good to I think stop and take a look at, you know, are we getting ahead of ourselves; has your committee looked at this and where are we?

LEG. CARACAPPA:
Ad nauseam we've looked at it. We've worked in conjunction with the Department of Public Works in an effort to tighten up our Capital Projects that are on the out years. We are way ahead of ourselves with relation to approving and appropriating funding for Capital Projects.

With relation to this one, you need to start asking yourself as an individual Legislator if you really want to start continuing or continue to fund things of this nature through borrowing. We voted on or actually we tabled an extension of this policy yesterday with the hopes of debating it further in the upcoming year, so that's really the issue at hand with this resolution. Do you prefer borrowing for roofing and roof replacements or do you feel that we should make a stronger effort to do a pay-as-you-go policy as we have in the past? And that's why I didn't support it in committee and I will not be supporting it today due to the method of financing. But with relation to the overall project, the Capital Budget -- the Capital Projects, we are reining that problem in and we're getting to a system where it's much more controllable.

LEG. FISHER:
Mr. Chairman?

LEG. CARPENTER:
If I could, Mr. Chairman.

P.O. TONNA:
Yes, Legislator Carpenter then Fisher.

LEG. CARPENTER:

In committee we did also ask about this because there was some interest in perhaps not moving with it now because of the method of financing, but we were advised that it really was necessary to go forward with these roof repairs. And anybody, you know, who has a house or whatever can attest to the fact that if you don't attend to a leak today it's only going to be worse tomorrow.

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LEG. ALDEN:

On the motion.

P.O. TONNA:

Yes, Legislator Fisher, then Legislator Alden.

LEG. FISHER:

Actually I have a question for Legislator Foley because I recall that he had a list of projects that were maintenance projects, roof projects and at that time that discussion, if I recall correctly, was that we were lagging behind in these capital projects. And that although I agree with Legislator Carpenter that this type of maintenance must be continued because it would lead to larger problems, but if we can't catch up with it, that it doesn't make sense for us to use this funding, this type of funding if we're not going to get to the job for quite a while. Do you recall the conversations that we had had about this?

LEG. FOLEY:

Sure.

LEG. FISHER:

Pay-as-you-go and how much was going to be left?

LEG. FOLEY:

Yeah, there's been a number of discussions about the length of time it takes to start a project once it's been approved by the Legislature. However, for these smaller projects -- and I know that Deputy Commissioner LaValle is still here, I believe he's still here -- it's

my understanding that the department's intentions is to do this work next year, not two or three or five years from now but, in fact, to do it next year. So that's one of the reasons I had agreed to support the bill. But you're right, that there are other larger projects that do take many years before they actually get under way and that point is well taken. However, with these projects, roofing and the like, they can get right to it within a matter of months after the Legislature appropriates the money.

LEG. FISHER:

Legislator Caracappa, again a few months ago when we were having these discussions, you had a list, a laundry list of projects that hadn't been attended to that were way behind schedule; were there roofing jobs, this type of project on that list?

LEG. CARACAPPA:

No, most of the projects that were on that list were major projects, long-scale with relation to time projects. I'm sure there were some minor projects but I couldn't tell you right now how many were roofing projects, if at all any.

LEG. FISHER:

So this isn't typical of the kind of project that you had on that list.

LEG. CARACAPPA:

Correct, most of them were, like I said, long-term infrastructural replacements or improvements.

LEG. FISHER:

Thank you.

P.O. TONNA:

Legislator Alden.

LEG. ALDEN:

I think Paul Sabatino indicated before that you need 14 votes, so you might want to wait and table this until a time where there's a few more Legislators here.

LEG. FISHER:

That's a good idea.

LEG. FOLEY:

Mr. Chairman, can we call the Legislators back to the horseshoe?

P.O. TONNA:

All Legislators please come back to the horseshoe so we can vote. Legislator Alden, what was -- I'm sorry?

LEG. ALDEN:

I just made a suggestion because this is a 14 vote resolution that you might want to wait until you have some other Legislators.

P.O. TONNA:

Right.

LEG. FOLEY:

We have to do it today because otherwise the exemption, if you will, the one year exemption sunsets at the end of the year and we haven't reauthorized the extension of it.

LEG. ALDEN:

I'm not prepared to support this today and I'd like to have further conversations with the Chair of that committee also on this line.

LEG. CARACAPPA:

After today I'm not the chair of the committee.

LEG. ALDEN:

You still have some insight.

P.O. TONNA:

Everything is flying right over my head. Oh, there you are, Legislator Haley. Okay.

LEG. HALEY:

On the motion.

P.O. TONNA:

There was a motion to approve and a second already, right? Okay, roll call.

LEG. HALEY:

No, on the motion.

P.O. TONNA:

Oh, on the motion. Oh, I thought you said roll call.

LEG. HALEY:

Yeah, I -- Rich LaValle is here and I think I'd appreciate it if he could come up and talk to the importance of doing this roofing.

CHIEF DEPUTY COMMISSIONER LAVALLE:

This is extremely important to us, the roofing. We have a number of buildings that are in extremely bad shape. As a matter of fact, one of the buildings out at BOMARC which is archives building, we're in the process of designing improvements for the interior of the building, so we would be reluctant to go ahead and make the improvements to the interior of the building if we can't do the roofing work to repair that and prevent water from entering the building. So yeah, it is important and if this isn't acted on now, we're not going to be able to go ahead with the project, the money will disappear and we'll be back talking to you next year trying to get funding for the same type of improvements.

And I know you all have an issue with Capital and using Operating funds and what have you, but there were provisions made by the Legislature to allow us to do that this year and we need to really go ahead with these projects. I mean, it's either that or we're going to have continuous damage and we're going to end up with spending a lot more money in the future to repair the things that are damaged if we keep nickel and diming the roof operations.

LEG. FISHER:

So Rich, you're saying this is on the schedule for this year.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's our intent to move ahead with this funding for the roofing projects this year. We have problems in the Board of Elections which is serious, there's continuous complaints there and several other buildings; even our own building, Public Works building we have

problems.

LEG. FISHER:

Thank you, Rich.

P.O. TONNA:

Legislator Carpenter then Legislator Haley.

LEG. CARPENTER:

No, I was just going to -- because I saw Ken Knappe coming forward, I thought he had something to add to it, but no, I just wanted some clarification. Thank you, Rich.

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LEG. HALEY:

Rich, from a preventive maintenance perspective.

CHIEF DEPUTY COMMISSIONER LAVALLE:

Well, it costs us money.

LEG. HALEY:

Setting the money now obviously is going to be -- create a cost avoidance later on for the damage that's going to be created. Now, I don't know what kind of roofing you're talking about, flat roofing or pitched roofing, but in any case, we all know that when you don't repair roofs and take care of them, the damage to structures eventually start happening and then you can wind up with -- a little story, if you will, like what happened to the Water Authority and the fact that they didn't think it was appropriate to fix the roof, all right? We don't want to get into that. This is straight-forward, it makes common sense to do the roof work.

I know we're debating about other larger issues, whether or not we're going to use operating monies, whether or not we're going to use capital; we can continue to do that, we can continue to figure out whether we're going to reauthorize 5-25-5 or not. But for this particular project, I think it's in our interest to narrow our focus and think about the very need at hand and not let this one slip through. Legislator Bishop?

LEG. BISHOP:

Yes, thank you. As of December 12th of this year, the 5-25-5 policy was responsible for forcing the County to pay-as-you-go for \$30 million worth of projects since 1996. So that's a savings if you use the standard interest calculations, what, of one-third, about \$10 million that we've saved the taxpayers over that time. So this is a significant policy and one that we should guard and protect.

What happened last year is after September 11th the County Executive appealed to us and said let us temporarily suspend the 5-25-5 policy for one year and we will have a bond for that one year and we will pay for items under borrowing for one year. We have blown through the amount of that bond, so we are not only -- not only did we suspend the 5-25-5 policy, we went past the anticipated borrowing that we said we were going to allow; this is a further compounding of the problem. And to simply say, well, the roofs need to be repaired is missing the point, of course the roofs need to be repaired but we need to prioritize as a government, we need to force the departments to make lists of their priorities and from that list pay for as much as we can out of operating funds. There is \$800,000 next year in the Operating Budget for items such as this, this can wait until then if it's such a high priority. But clearly, what happens is when you tell them that we're going to have a one year suspension, it's taken as an invitation to simply borrow for everything that they ever wanted and blow through whatever safeguards we put in there in the first place and even the secondary safeguards that we put in there after they asked for relief from the law.

So I think that, in fact, we should stop these borrowings altogether, maybe even take one year away of recurring expenses until we get our fiscal house in order and can get back to a policy of pay-as-you-go, that is the only way that this administration clearly is going to behave in a responsible manner with regard to the policy.

LEG. HALEY:

May I respond to that, Mr. Chairman? You know, it's a good point but I think now is the time --

LEG. CRECCA:

I think it's Mrs. Chairman.

LEG. HALEY:

-- until we can get to such a point where we can do pay-as-you-go. Now is the time to go ahead and extend some bond debt because that gets us through the tougher times. I don't think we should constrain ourselves now when we're trying to resolve our fiscal issues by now allowing ourselves to go out and bond.

We have two things. Number one, from a policy perspective I think it's appropriate to extend some of our debt to get through this fiscal time; and secondly, to deal with the severity of the problem with rules.

LEG. BISHOP:

But my point is that emergency easily morphs into dependency and that's what's going on here. We had an emergency situation, okay, we're going to suspend the policy and now we're --

LEG. HALEY:

Right. I --

LEG. BISHOP:

Year after year we're getting it back into a situation where we're going to borrow for all these items.

LEG. HALEY:

Right, and that was the reasons they used back a year ago, but now we've come to learn that we're in a lot more fiscally tentative position than we were a year ago, so by extension we now have even more of a reason I think --

LEG. BISHOP:

Right.

LEG. HALEY:

-- to continue on that path.

LEG. BISHOP:

Okay. So if you're in a long-term, longer term fiscally tentative situation, then the thing to do is tighten your belt not to borrow, and that's the point.

LEG. HALEY:

That's correct. Absolutely, I agree with.

LEG. BISHOP:

And this is a test of the fortitude of the Legislature to go down that path.

LEG. HALEY:

Right, and we failed to tighten our belts efficiently to make up for the fact that we have a very clear and distinct problem with roofs.

P.O. TONNA:

Legislator Fisher.

LEG. BISHOP:

We have a problem with a lot of things.

LEG. FISHER:

I already spoke out of turn.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

What I don't understand, though, is if that is the policy, Legislator Bishop -- and I agree with the policy -- you and myself and the vast majority of Legislators here adopted a budget for next year which waives 5-25.

LEG. BISHOP:

Not altogether.

LEG. CRECCA:

Let me -- there is \$800,000 in the 5-25 account, it's nothing -- you know as well as I know that to properly fund it you need at least 12, 14 million probably in pay-as-you-go at least to get us through 2003. My only point being is that, you know, right now -- when we adopted the budget we made a decision that it was okay to suspend that policy again for 2003, that decision was based on I think the financial situation we were facing, it was based on a decision on how much we were going to raise taxes or not raise taxes. And in addition, it was based on what I would call probably precedent-setting low interest

rates on short-term lending. Fred, what was it, about 2% on short-term lending; even less, right?

MR. SPERO:

We just got an e-mail from the Comptroller's Office yesterday. The January Tax Anticipation Note borrowing went out at a net interest cost of 1.07%.

LEG. CRECCA:

So my point being --

MR. SPERO:

Unprecedentedly low.

LEG. CRECCA:

-- the policy is a good one and I'm not disagreeing with you, David, but we made a policy decision in adopting the budget that we would

bond some of these what we would normally do as pay-as-you-go. So I think that --

LEG. BISHOP:

I don't know if that's the right way to calculate this debt, though.

LEG. CRECCA:

I'm really addressing more of what you're saying about we have to take into consideration what we've already made -- policy decisions we've already made. And when we did prepare the budget, we knew we would have to suspend 5-25-5 through 2003, it would be literally impossible for us to meet our obligations on the Operating Budget without suspending that.

LEG. BISHOP:

If I may.

LEG. CARPENTER:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Carpenter

LEG. CARPENTER:

No.

LEG. CRECCA:

I'll yield.

LEG. BISHOP:

I think that the argument turns on the definition of properly. You know, you say we need to -- if you wanted to budget properly you'd need 10, \$12 million, that means that you want to do everything that you've done in the past. My argument would be if there isn't the money to do pay-as-you-go then you don't do everything that you could in the past. There is some money, it's about roughly one-tenth of what we used to have in there, so maybe we should cut 90% of the projects and just do what we absolutely have to do to get through the tough times.

LEG. HALEY:

As long as we do it in the west end.

LEG. BISHOP:

The answer to tough times is not to borrow, the answer to tough times is to prioritize. This policy that we're going down is an invitation to them not to prioritize. You see that right now, it's the end of the year and you're told this is something that's absolutely critical and essential; well, if that's the case that should have been the first one on the list, not the last one.

LEG. CRECCA:

But I guarantee you if the water was leaking from the ceiling in this building here and they were using buckets to catch the water, that we would authorize it, then it would be a priority to authorize to get it fixed.

LEG. BISHOP:

We would spend up there.

LEG. CRECCA:

We're talking about one of the these buildings in particular which is literally the roof is leaking, it's a leaking roof, it's going to cause more damage, I think it does have --

LEG. BISHOP:

That should be the first one out next year is my argument.

LEG. CRECCA:

All right.

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER:

No.

P.O. TONNA:

Legislator Caracappa, you're next.

LEG. CARACAPPA:

I appreciate it. And I apologize if this was said, I'm sure David said this but I was in discussion with the Presiding Officer. We did set this policy in the budget process last year but it was, in my view, an emergency purpose.

LEG. CRECCA:

For this year.

LEG. CARACAPPA:

For fiscal year '02 and that we wouldn't, for lack of a better term, be pigs with relation to using this policy, but we have. There comes a time where you need to stop it and instead of running right to the end of the year of using what was an emergency measure, we're kind of taking advantage of this measure now and this policy we put in place and you really need -- we were supposed to be picking and choosing the most important jobs and projects from day of implementing this emergency policy, we have not done that, we have used it with no rhyme or reason. And my point is with relation to not voting for this today, I can't now in good conscious at the end of the year, though it is the end of the year, continue to use this policy which was again designed to be for emergency purposes and for just very important projects to move forward.

LEG. CRECCA:

I really want to just briefly -- Joe, I couldn't agree with you more regarding 2002. I guess my point was, and that's very legitimate to this bill that's before us, but we budgeted for 2003 and we didn't put money -- we put 800,000 in pay-as-you-go and I guess my concern is is that as we go into 2003, we either have to fund pay-as-you-go at least

somewhat more, even if it's not at the tune of 14 million, or we've got to extend the suspension of the 5-25 policy.

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LEG. CARACAPPA:

Or restrain ourselves for a change.

LEG. CRECCA:

I don't think we can get through a year at \$800,000 on pay-as-you-go.

P.O. TONNA:

Legislator Alden has the floor.

LEG. ALDEN:

I think that this is a small part of a big picture. And it was just said by Legislator Caracappa that at the beginning of this year we knew we had emergency situations yet we went out in the regular Capital account we just used our credit card and used our credit card and used our credit card. And now, you know, we adopted a policy to use the credit card where we should have been paying cash also and both of them blew up. So we've over used both of them and we didn't prioritize and now we've come down to a point where I believe that there's not a fiduciary or fiscal responsible thing to do. And if we can continue using the credit card like this, I think that, you know, like what we're doing is setting up something four, five, ten years down the line that, you know, we're not going to be able to pay back. This recession could last a lot longer and we have to be realistic about that. And when we go and do our budget for next year and we start approving Capital Projects, we have to realize that we don't have all that money and we should have been using that restraint now for the past year, maybe even longer than that, maybe five or ten years.

So without reprioritizing all the things that we've done all year long, I can't see where we could continue this type of policy because we're going to spend ourselves into a bankruptcy. This takes your cash -- you have to pay this back, it's not free money, even if it's at 1%, you still have to pay it back. And that takes the income that comes into the County, more and more of it gets soaked up with Capital

reduction.

LEG. LINDSAY:
Put me on the list.

P.O. TONNA:
Okay. We have now Legislator Foley, then Legislator Haley and then Legislator Lindsay.

LEG. FOLEY:
I can't recall ever having as lengthy a discussion on roof replacements as we are today, but I guess it's an illustration of some of the fiscal situations that we're facing. However, while Legislator Bishop's points are well taken about the need to adhere more closely to the 5-25-5, I think this is one of the exceptions to that particular rule because -- in this instance because what we're really talking about is something that could lead to structural safety and it could be a structural issue if we don't attend to it now.

And Legislator Caracappa mentioned about using these funds only for emergency purposes, I would suggest that the reason why we want to use these funds right now is in order to prevent an emergency from happening in the future where there could be structural damage to some of these buildings if we don't attend to the roofing maintenance issues that this bill wants to address. So I hope, again, that at least in this case we can approve this resolution because it gets to the issue of trying to prevent structural problems from occurring on certain buildings. And as the Deputy Commissioner mentioned earlier, the Chief Deputy Commissioner of Public Works, they have some other larger interior projects that are supposed to move forward for the BOMARC building, but they could move forward with it if the roof isn't first repaired or replaced. So there's a lot to this and I hope we can approve it so they can move forward with saving these structures and saving a room that will be used, again, for our County archival documents.

P.O. TONNA:

Okay. Legislator Haley.

LEG. HALEY:

It was great hearing Legislator Bishop sound, you know, Republican-like and Conservative-like, or maybe some people might even call it Clintonesque. But what's interesting is that I agree, and most of us do I think agree that at the end of the day we should tighten our belt and you shouldn't borrow if you don't have to. But that's a larger issue and that's -- you know, that's something that we're going to deal with in 2003 based on not only what Legislator Bishop has brought up or Legislator Crecca has brought up, Legislator Caracappa, we all agree. But if you can't prioritize, and you keep saying we, we, we; all of us didn't prioritize but now we have a particular instance where we're ready to throw the baby out with the bath water because of some failure during the entire year from a policy perspective or an approach and now all of a sudden we're going to say we're going to make the issue on this particular item which is roofing, all right, which is crazy.

Yesterday we passed a resolution to make sure that Riverhead and the Village of Nissequoque got their monies. We worried about a policy approach, we worried about actions of certain departments and everything like that, but we understood that we had to look beyond that and deal with that particular issue which was very important to make sure that revenue sharing went to those towns; it's the same type of situation here. We have to look through it and we understand and we'll debate it, but don't balance the whole approach to debt versus tighten your belt on doing roofs, it just doesn't make sense to me.

P.O. TONNA:

Yes, Legislator Lindsay.

LEG. LINDSAY:

I find myself in a very funny spot, I agree with Legislator Haley. And I would term this as Gullottaesque because at one point Nassau County didn't repair their infrastructure and it fell down around their ankles and it wound up costing a lot more money than it would to maintain it in a regular fashion. I agree wholeheartedly with

Legislator Bishop about getting our house in order fiscally and maintaining some restraint on our spending, but this is not the place to start. You have to maintain the roof or you're going to lose the building, I mean, it's a simple concept. So I would encourage my fellow Legislators to approve this bond.

P.O. TONNA:

Okay. Legislator Lindsay, would you mind me just asking a question?

LEG. LINDSAY:

Not at all.

P.O. TONNA:

This is my concern; if this is not where to start, where do we start? That's the question. Where does -- it seems to me the only --

LEG. LINDSAY:

Start with the floor, not the roof.

P.O. TONNA:

Okay, not the electrical work.

LEG. FOLEY:

We have exemptions, it's going to sunset.

P.O. TONNA:

Okay, I will call the vote. But my concern is obviously we have high regard for the 5-25-5. Every single time a Capital Project comes to us and we don't have money there they're going to say we need a bond, and we really do have to resolve this issue.

LEG. BISHOP:

But next time.

P.O. TONNA:

Yeah. All right. Can there just -- Fred, is there any way of money that's already existing in the Capital -- I mean, we've approved, what, \$100 million worth of stuff that hasn't gotten out? We have a lot of money in Public Works right now, right?

MR. POLLERT:

It has to be used for purposes --

P.O. TONNA:

Do we have any of that money that's kind of the Crecca law I think it was, that basically after the sunset --

MR. POLLERT:

Closed by Capital Projects and stuff, no, there is not. Basically at

this point in time you have one option, either you do the project or you do the project with bond proceeds. Just on a scale of things, roofs do have a longer period of use for life than do printer cartridges which, you know, in all probability you would probably need to use a large portion of the four -- of the \$800,000 you have next year for very short term computer equipment purchases that have a life of literally less than a year.

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P.O. TONNA:

Right. So from a bonding standpoint it's better to bond a roof than it is a cartridge.

MR. POLLERT:

Yes.

P.O. TONNA:

Okay. All right, roll call. Legislators please come to the horseshoe.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FOLEY:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

MR. BARTON:

What was your vote, Mr. Binder?

LEG. BINDER:

To approve, yes.

LEG. NOWICK:
Pass.

LEG. CRECCA:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:
No.

LEG. LINDSAY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. CARACCIOLO:
No.

P.O. TONNA:
Yes.

LEG. NOWICK:
No.

LEG. CARPENTER:
Motion to table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

Okay, 2291 - Amending the 2002 Adopted Operating Budget and the 2002 Capital Budget and Program and appropriating funds in connection with the purchase and installation of sewer billing software and hardware (CP 8182) (County Executive). Motion by Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed?

LEG. CARACAPPA:

On the motion, hold on.

P.O. TONNA:

On the motion. This is purchasing and installing sewer billing software and hardware.

LEG. CARACAPPA:

All right.

LEG. CARPENTER:

This is a 14 voter also?

P.O. TONNA:

Yes. No, I don't think this is a 14 voter.

MR. SABATINO:

This is a 14 voter, it's changing the method of financing.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. CARPENTER:

Roll call, it's the same argument.

P.O. TONNA:

No, it's not a bond. All right, on the motion, Paul, could you please -- I think Legislators are hesitant to vote because they're not sure what this resolution does.

MR. SABATINO:

What it's doing is it's changing the method of financing by transferring an appropriation from a Public Works sewer district account, so it requires 14 votes as opposed to using a bond.

P.O. TONNA:

Okay?

LEG. CRECCA:

I just question how we're permitted to take money out of a sewer district.

LEG. FOLEY:

We asked that question in committee.

LEG. CRECCA:

Yeah, and I apologize.

MR. SABATINO:

It could have been a bond. During the Capital Budget it would have been a bond.

LEG. FOLEY:

We asked that question in committee and the Budget Review Office said that this is in keeping with ways in which those dollars could be utilized, that we could use it for this purpose.

P.O. TONNA:

So we can do it.

LEG. CARPENTER:

Could they be used for roofs? Could this money have been used --

LEG. FOLEY:

No, because this is sewer monies; it has to be for sewer operations and this is for sewer operations.

P.O. TONNA:

In other words, it's just a transfer of funds in the sewer district I guess from one thing to hardware and software.

LEG. CRECCA:

I'm looking at the wrong bill then I guess. What bill number?

P.O. TONNA:

You're looking at 2291.

LEG. CRECCA:
That's why.

LEG. FOLEY:
We've gone from above ground to below ground.

P.O. TONNA:
All right, thank you very much. All in favor? Opposed? 2291, this is not a bond, they moved it from a bond to cash.

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MR. BARTON:
15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:
You know, they say money is good but cash is better.

Health:
2138 - Adopting Local Law No. 2002, a Local Law to lower prescription drug costs for County pharmaceutical purchases (Fields).

LEG. FIELDS:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Fields --

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator Carpenter.

LEG. CARACAPPA:
Explanation.

P.O. TONNA:

Yeah, I'd like an explanation. Legal Counsel or Ginny, do you want to say something? Ginny?

LEG. FIELDS:

This allows us to go beyond Suffolk County to purchase drugs and we spend millions on drugs for the jail and for the County and this would allow us to save money in purchasing outside the County.

P.O. TONNA:

Right. In other words, we have I guess County preference laws to do business within Suffolk County but --

LEG. FIELDS:

We're waiving -- exactly, just for this.

P.O. TONNA:

Right, because this is so expensive and we can be more competitive on the market outside.

LEG. FIELDS:

Exactly.

P.O. TONNA:

All in favor?

LEG. FIELDS:

Would you like to cosponsor, Mr. Tonna?

P.O. TONNA:

I don't usually but sure.

LEG. CARACAPPA:

On the motion.

P.O. TONNA:

On the motion, Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Did we have a comparison, cost comparisons available to us with relation to pharmaceuticals available to us if this law is to be passed?

LEG. FIELDS:

We are in the process of getting all those numbers but Dr. Bradley said that she was reaching out to the vendors and to everyone else to give us the cost comparison, but she knew that you could get them less expensively by reaching outside of the County.

P.O. TONNA:

Can I ask, why aren't we buying off the New York State Bid List?

LEG. FOLEY:

Good question.

LEG. LINDSAY:

Probably the Local Preference Law.

P.O. TONNA:

Well, let me ask -- Fred, will this law if passed then put us into the New York State -- we could appropriate from the New York State Bidder's list or whatever?

MR. POLLERT:

The County always has the capability of purchasing off the New York State contract list and bid list.

P.O. TONNA:

Right, okay. So we have a local --

MR. POLLERT:

So this does not preclude -- if those prices --

P.O. TONNA:

No, it opens it up to that.

MR. POLLERT:

Yes.

P.O. TONNA:

Now we're precluded.

MR. POLLERT:

No, I believe that you can purchase off the New York State Bid List and I believe that we do for some pharmaceuticals.

LEG. FOLEY:

No, this would take --

P.O. TONNA:

Okay. So then why do we need to do this if we're already getting the purchasing power of the whole New York State?

MR. POLLERT:

I would defer to the sponsor.

P.O. TONNA:

Okay.

LEG. CARACAPPA:

We don't have anything in writing?

LEG. FIELDS:

When I spoke to Dr. Bradley, she said this would allow us to get it less expensively.

P.O. TONNA:

Okay.

LEG. FOLEY:

And in essence, to go even beyond the State list, I think that that was the point.

P.O. TONNA:

Yeah, but the issue is not beyond the State list, the issue is the largest purchaser. I mean, I like the concept of the bill and I'm going to vote to approve, but I just -- it's just something because you're obviously focused in on this issue. The idea of purchasing is purchasing in bulk and New York State is a big bulk purchaser of I'm sure drugs.

LEG. FIELDS:

Outside of the State also?

P.O. TONNA:

Oh, I'm sure. I mean, most of -- they don't have a local preference law, right? If they did, my sense is is that if they can purchase

cars from Maryland, you know, they can buy drugs from Topeka.

LEG. FIELDS:

Well, this will allow us to do that.

P.O. TONNA:

I would just say, if you don't mind, Legislator Fields, just if you could look into that and see how that inter -- I would appreciate that.

LEG. FOLEY:

Motion.

P.O. TONNA:

Okay, motion and a second. All in favor? Opposed?

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MR. BARTON:

15, three not present (Not Present: Legislators Guldi, Towle & Postal).

P.O. TONNA:

2153 - Adopting Local Law No. 2002, a Local Law to prohibit the sale and purchase of products containing Ephedra or Ephedrine Alkaloids within the County of Suffolk to minors (Alden). Legislator Alden?

LEG. ALDEN:

Motion to approve.

P.O. TONNA:

Motion to approve. Is there a second?

LEG. CARACAPPA:

Second.

LEG. COOPER:

Motion to table.

P.O. TONNA:

Okay, motion to table, I'll second that. Okay, 2153, there's a motion

to approve by Legislator Alden and seconded by Legislator -- who's the second? Who second Legislator Alden's approve?

LEG. CARACAPPA:

I did.

P.O. TONNA:

Caracappa. And then there was a motion to table by Legislator Cooper, seconded by myself.

LEG. ALDEN:

Just out of curiosity, Mr. Presiding Officer --

P.O. TONNA:

Yes.

LEG. ALDEN:

-- why do you want to table this; is there more information that you need on this or you want people to come down?

P.O. TONNA:

No.

LEG. ALDEN:

No, I will do that.

P.O. TONNA:

That's okay, you have every right to do that.

LEG. ALDEN:

So why do you want to table it?

P.O. TONNA:

You want me to answer you, right, or do you want -- you want me to answer you. The reason is because I think that Legislator Cooper's bill is a more inclusive bill, and instead of voting two bills I would like to vote for one bill. And instead of sending a message to an

industry that we wanted to just ban it from minors, I would like the more inclusive bill which says we're banning it from Suffolk County. Now, that's why -- I mean, I think that's a reasonable cogent reason, we might disagree on that but I think that's why. I don't want to send a message of one bill because I think that the industry, if they see this bill passed they would say oh, we have a measure that they have supported and then Legislator Cooper's bill is probably mutant -- you know, is not as relevant. I want -- not mutant, is -- that's why I am tabling this motion, I would like to see how Legislator Cooper's bill does and then from there I'll be able to make a decision. I am positive that I think minors should be banned from utilizing this, but I feel that there should be a general ban in Suffolk County.

LEG. ALDEN:

Let me make a suggestion then.

P.O. TONNA:

Does that answer though?

LEG. ALDEN:

Yeah. Let me make a suggestion then because you do -- obviously you support Cooper's bill. Let's just vote this up or down and then you people that support Cooper's bill, then you can work on that whichever way this goes, whether it's up or down. Because Cooper's bill would be a step beyond this.

P.O. TONNA:

Yes, I know that.

LEG. ALDEN:

This is a positive step, by the way.

P.O. TONNA:

Absolutely.

LEG. ALDEN:

And it needs to be done right now to get this out of the hands of kids because they're the ones that seem to be from the testimony abusing it. But if you choose to go without --

P.O. TONNA:

I'd like to --

LEG. ALDEN:

My suggestion would be vote it up or down today and let's move on.

P.O. TONNA:

Well, I'd like to -- thank you. And just to -- I guess I'll recognize myself, I'd like to see if Legislator Cooper's bill, which I support, passes and if it does pass then I'm not going to need it. If not, I

have a fallback position, I don't want to kill --

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LEG. ALDEN:
Motion to take this out of order then.

P.O. TONNA:
It's already done, it's tabled till the next meeting.

LEG. ALDEN:
All right. Well, I was on the prevailing side, motion to reconsider it.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Okay. All right, there's a -- first of all, we're in a motion right now, you're going to have to wait for the other motion. We're in a motion to table and a motion to approve right now for your bill which is 2153; after that, then you can make a motion, we get out of that motion and go into another.

LEG. ALDEN:
All right.

P.O. TONNA:
I don't know parliamentary --

LEG. ALDEN:
Well, parliamentary, I'm withdrawing my motion to approve so I don't think anything after that --

LEG. BINDER:
That won't help you. There is still a motion to table, you have to deal with the motion.

LEG. ALDEN:
Okay.

P.O. TONNA:
What would you like to do, Legislator Alden?

LEG. ALDEN:
Vote it up or down, that's what I'd like to do.

LEG. BISHOP:
On the motion.

LEG. COOPER:
Motion to table.

P.O. TONNA:
Wait, just wait one second. There is right now a motion to approve and a motion to table on Legislator Alden's bill of 2153. Legislator Bishop is next on the list, then Legislator Foley -- you done, Legislator Bishop?

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LEG. BISHOP:
No, I will just say my --

P.O. TONNA:
Okay, Bishop then Foley.

LEG. BISHOP:
I think it's obvious that we don't have our full complement of Legislators today so that it's reasonable for the sponsor of the more inclusive measure to seek to table until there's every Legislator present and he has a fair opportunity to achieve a successful vote. Your bill which is a fallback position for many of us, including myself.

P.O. TONNA:
And myself.

LEG. BISHOP:
And the Presiding Officer should go second logically because we want

to see whether the more inclusive bill passes or not. So it's not -- I don't think it's a hostile tabling, for many of us it's simply a matter of logic.

LEG. ALDEN:

Put me down, I want to respond.

P.O. TONNA:

Just to add and then Legislator Foley and then Legislator Alden. My point is that it gives us two options and I'd like to see where colleagues stand on one option before I access the voting on another option, and that's the only reason. I think we have somebody, Legislator Fields -- Legislator Fields is a sponsor of both, right? Two options, supporting both. All right, Legislator Foley and then Legislator Alden.

LEG. FOLEY:

Thank you, Mr. Chairman. And I was prepared to -- yesterday we had discussion with a number of the Legislators, I was prepared at that time to table this resolution. But hearing -- and I want Legislator Cooper to hear carefully what I'm about to say. Since the sponsor of the bill wants to vote on it today, and as one Legislator who also has to be consistent -- Legislator Cooper? As one Legislator who has -- we all try to stay consistent and the fact of the matter is when Legislator Binder in the past was trying to defeat a resolution that I have on the table and as I had mentioned to him and to others, that fellow Legislators should honor a prime sponsor's request if and when they want to table a bill or if and when they want to go out and approve a bill. And I've said that before to Legislator Binder and to others when I was critical of those who were trying to defeat any of our bills, if a sponsor wants to table any bill I think that sponsor should be given the respect of following through on his or her wishes.

So I was intending to table Legislator Alden's bill today, but just hearing now just a minute ago from the prime sponsor of the bill, he wants to vote on his bill today. And for me to be consistent with my approach to resolutions that I have put forward where I wanted my

have, or to approve bills, at least to vote on them on the day that I want them to be voted upon, I have to extend the same courtesy to a fellow Legislator who wants a certain action to be taken on his particular bill today. So I'm going to support the motion to vote on the bill today as opposed to tabling it because the prime sponsor of the bill has asked for the bill to be voted on today. If he had asked for it to be tabled today, then I would honor that request as well, but he asked for it to be voted on.

P.O. TONNA:
Legislator Alden is next.

LEG. FOLEY:
Let me just finish. I can't ask other Legislators to honor my request if I'm not going to honor someone else's, the prime sponsor's request either.

P.O. TONNA:
His request was not to table it, right? Okay.

LEG. FOLEY:
I'm just saying it's to honor his request.

P.O. TONNA:
All right. Well, that's a good argument. Okay, Legislator Alden. And then who wants to speak?

LEG. NOWICK:
I do.

P.O. TONNA:
Legislator Nowick.

LEG. ALDEN:
I just want to make a quick response to Legislator Bishop, that this is a positive step to keep it a product that possibly we could determine at a later date is dangerous enough that we don't want anybody to have it. But this at least is the first positive step, let's keep the kids away from it because, as I said before, the testimony really seemed to say they're the ones that if somebody is going to abuse it, it sounds like it's kids that are going to do that. And as a matter of fact, there was some Federal action recently that took an Ephedra product that was packaged as yellow jackets I believe, made that illegal as far as the sale of that in all the United States. So I think that we can send a message here and if it's the next meeting or the meeting after that we can send another message then if that is what the majority wanted; not only do we want it out of the hands of kids, but we don't want it in anybody's hands. So I think that it's a logical step to put this -- vote it up or down, but I would like to see it passed, get it out of the hands of kids, and then

if we do at a later date develop enough information that all of us or a majority of us decide that it should be out of everybody's hands, then we can go and take that second step.

P.O. TONNA:
Legislator Nowick.

LEG. NOWICK:
In passing Cameron's bill, that does not preclude us from passing Legislator Cooper's bill; does it or does it not?

P.O. TONNA:
Our Legal Counsel? Okay, hold it a second.

LEG. CRECCA:
No, it does not.

P.O. TONNA:
I really have no idea.

LEG. NOWICK:
While we're waiting for that answer --

P.O. TONNA:
I do not think that one is mutually exclusive of the other. I think that you can pass one and pass the other and send two messages, but I don't -- to tell you quite honestly, until I have Legal Counsel, there might be some WHEREAS clauses, you know, that moves it in a different direction with regard to enforcement or something, I don't know.

LEG. CRECCA:
Here he is.

P.O. TONNA:
There we go. Okay, the question from Legislator Nowick was is one bill mutually exclusive of the other bill? In other words, if you vote for Legislator Alden's bill today, if you then in a subsequent meeting

vote for Legislator Cooper's bill, you know, are they one built on the other?

MR. SABATINO:

They're mutually exclusive as currently constructed because they -- each of the bills approached the situation from a different perspective; one deals with an all-encompassing, across-the-board ban, the other one calls for a limited ban. So the problem is that if you adopt the less-inclusive bill first, that's inconsistent with adopting the across-the-board. You would then have to -- you would have to convert Legislator Cooper's bill at a subsequent meeting into a corrected copy that would, in effect, repeal the limitation to only minors. So they're inconsistent from the standpoint of the way they were constructed, you can't adopt both at the same time. That's why the logic is to deal with the more inclusive one first because it flows more readily; if that fails, then you can adopt the limited one. If you adopt the less-inclusive one first, then you have to reconstruct the Cooper bill and then go back to basically repeal the previous one. You can do it but it requires a change in perspective and a change in constructing --

LEG. NOWICK:

So what you're saying is logically we would do Cooper's bill first, and right now we have three people missing from the Legislature. And I think that Cameron's bill is excellent but my fear here is that somehow we are going to lose the Cooper bill and I think that -- and I know that Legislator Fisher probably agrees with this, we have a unique situation where -- and you probably do. I sit around and listen to my young 20, 22, 23, 24 year old, my daughters, their friends; there is no way this bill to minors is going to stop Ephedra from getting in the hands of minors because as we all know, they at 21 or 22 have no problem -- I hate to say falsifying their identification, but they will have no problem. And I don't want Cooper's bill to get lost in this, that's my fear. We're missing three Legislators, would it hurt for us to wait and make sure, as Paul Sabatino says, the more inclusive bill, that would be the series of events?

P.O. TONNA:

And I'll say something and then Legislator Alden. I think Legislator Alden's point is just that if you want the more inclusive bill, your argument is vote this one down, right? Okay. My concern is that if Legislator Cooper does not have the votes, I want to have the second option to make sure that at least I have the -- you know, that I can support in banning it with children. And I think, Legislator Alden, it's almost the same thing that you're saying but only I would flip it and say, "Yeah, banning it from children is so important that I would want to make sure that this does not get voted down, Legislator Cooper's gets voted down and then we're left with nothing until we have to go through whatever amount of cycles." I would rather -- and I'm hoping that by January that Legislators will be in full attendance and that we can just say where are we, one or the other, up and down all around. Legislator Alden, you were next.

LEG. ALDEN:

I think that the danger inaction today on one of them and that's why I would push that my bill should be passed. Inaction sends a message to the people in Suffolk County and sends a message to kids, if you're abusing this drug right now, keep abusing it because Suffolk County can't make up its mind what to do with it.

I think that the legal explanation that Paul Sabatino gave was excellent, but I'm going to make this -- and that's a matter of construction, you do have to do something different. If we send a clear message to the people of Suffolk County that we do not want Ephedra products in the hands kids today at a later date and then we have plenty of time then, Legislator Cooper can amend his bill to say that it amends our legislation stating not only do we not want it in the hands of kids, if we have a majority of people to do this, we don't want it in the anybody's hands. So I think that really right today, don't show an indecisive nature of this body, let's make a statement. Do we want it in the hands of kids or not? Table it today? Okay, we're sending a message out there; go ahead, kids, keep buying it, keep abusing it until we make up our minds and until we have enough people or we think we have votes here, there or the other place and we'll keep doing this for another two months, another three months, four months, six months, whatever, until we think we have the votes. But I think that we need to send a clear message, we need to

send it today. The problem as far as adopting Legislator Cooper's bill with the construction is easily fixed.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
There are two people on the list and then I'll recognize you, Legislator Caracciolo. It's Legislator Haley and then Legislator Cooper and then Legislator Caracciolo.

LEG. HALEY:
I can't disagree more with Counsel. You know, it's just a typical increment -- excuse me, Allan. It's a typical incremental approach like we're taking with tobacco, all right? Same thing, we're going to start, we're going to inch our way and then we'll be inching our way and we say kids can't have it and you create legislation the next day that says it's banned, just by operation of that legislation makes the first piece of legislation moot in my mind. So let's stop with the 15 Legislators, it's not -- you know, three aren't here, they're here for valid or invalid reasons, that's their call. We have to act on this legislation whether we have 10 here, 15 here, 18 here, it doesn't matter, let's move along. Make your choice on this particular legislation so people know where you stand and see if you have an interest in an incremental approach to resolving the Ephedra issue.

P.O. TONNA:
Okay, Legislator Cooper.

LEG. COOPER:
The hypocrisy -- excuse me. The hypocrisy of some of my colleagues is astounding. If you've been listening to the testimony over the past few months, Cameron --

LEG. ALDEN:
Excuse me?

P.O. TONNA:
I know, I know.

LEG. ALDEN:
If this guy addresses me, I'm going to ask for a sanction. Watch your mouth.

P.O. TONNA:
I would say --

LEG. ALDEN:

Watch your mouth with the hypocrisy crap if you're addressing me.

LEG. FOLEY:

Take it easy, Cameron. Cameron, take it easy.

P.O. TONNA:

Listen to me. Can I -- okay.

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LEG. ALDEN:

You better start addressing --

P.O. TONNA:

There's going to be a ten minute recess, that's it, and we got ten minutes; recess.

(*Brief Recess Taken)

P.O. TONNA:

I would ask all Legislators to please come to the horseshoe. Henry, roll call, please.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Here.

P.O. TONNA:

That was a yodel.

LEG. GULDI:

(Not present).

LEG. TOWLE:

(Not present).

LEG. CARACAPPA:

I'm here.

LEG. FISHER:
Here.

LEG. HALEY:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Hear.

LEG. CRECCA:
(Not Present).

LEG. NOWICK:
Yes, here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
(Not Present).

P.O. TONNA:
Yes, I'm here.

LEG. BINDER:
Let's vote.

MR. BARTON:
14 (Not Present: Legislators Guldi, Towle, Postal & Crecca).

P.O. TONNA:
Now, where are we. Here we go.

LEG. BISHOP:
I'm confused as to what the motions are.

P.O. TONNA:
Legislator Alden -- I'm sorry, yes. Playback the minutes, what was the -- no, I'm joking. Legislator Cooper. Legislator Cooper, you have the floor, all right. So I would ask, Legislator Cooper, you speak to the bill.

LEG. COOPER:
I just would like to say for the record that the majority of people who have died or suffered heart attacks or strokes or seizures after taking Ephedra dietary supplements have not been minors, they've been adults. The majority of people that have suffered adverse health effects have not taken overdoses, have not abused the product. There was a Mayo Clinic Study that I referenced at the last meeting, they studied 37 cases, 36 out of 37 took the recommended dose, or in some cases less than the recommended dose and they still died or had heart attacks or suffered strokes.

There's an overwhelming body of medical evidence that this product is harmful. There have been -- actually I have it in the car. I got information the other day about five or six drugs regulated by the FDA that had fewer deaths attributed to them than Ephedra, all of which have been removed from the market by FDA. The reason FDA has not acted against the Ephedra supplements is because their hands are tied and they're not allowed to do it. It's not a question about banning sales to minors. Nassau County has had a ban on sales to minors for about 12 years now; totally unenforced.

In Huntington there's a chain that advertises that the product is harmful and that they will not sell it to minors. My son went in there over the weekend, he's 17, he had no problem whatsoever buying it. Even if such a ban was effective, nothing is stop an 18 year old high school student from buying it and giving it to some of his friends that are 17 or 16 or 15. So if there is a consensus that this product is harmful and certainly there is overwhelming medical evidence that that's the case, if we want to protect our kids, the best way to do that is to totally ban the product. If you want to protect unsuspecting adults that are walking into a drug store or a supermarket, see this product on the shelves, assume that since it's been sold over the counter it's got to be safe, it had to be tested before it was allowed on the market and are not aware that that's not the case because of this law that Congress passed in 1994, if we want to protect those people we need a total ban. That being said, is Legislator Guldi in the building?

P.O. TONNA:

No. Your time is up. Legislator Crecca.

LEG. CRECCA:

I just want to add briefly that we're not -- we're the Suffolk County Legislature, we're not the Food and Drug Administration. Let's just keep that in mind when we take our vote that, you know, there are certain things that we could and should be doing as a County government and there are other things that are outside what I would constitute is our expected jurisdiction. And I think the banning of products like that, like Ephedra, is beyond the scope of what our authority is.

P.O. TONNA:

Okay. Any other questions? Okay, roll call.

MR. BARTON:

On the tabling?

P.O. TONNA:

This is a tabling motion, table by Legislator Cooper, second by myself.

LEG. COOPER:

I'd like to wait until Legislator Guldi --

P.O. TONNA:

We can't wait until Legislator Guldi is here, I'm not going to hold the meeting up. We've actually waited 25 minutes for Legislator Guldi to be here, he's been in the building, according to Legislator Bishop, for the last 15 minutes.

LEG. BISHOP:

No.

P.O. TONNA:

Ten?

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LEG. BISHOP:

I think that was some misinformation; someone said they saw his car but they didn't.

P.O. TONNA:

All right. So I would ask --

LEG. BISHOP:

But he's in transit, I can assure you of that.

P.O. TONNA:

Can I -- No, listen. I recognize myself. Ladies and gentlemen, we have an agenda here, I want to get it done.

LEG. BISHOP:

Mr. Chairman?

P.O. TONNA:

No, I am speaking and then after that.

LEG. BISHOP:

Can I be recognized after you?

P.O. TONNA:

The vicissitudes of whether a Legislator is able to show or not show,

the fact that different people -- this is the luck of the draw, I'm sorry. You know?

LEG. CARACCIOLO:
Come on.

P.O. TONNA:
Too bad somebody fell and punctured their rib, let's get on with the vote.

LEG. BINDER:
It's no good -- when I filibuster that's bad.

P.O. TONNA:
I'm filibustering?

LEG. BINDER:
Not you.

LEG. COOPER:
Do I have to filibuster for five minutes until Legislator Guldi can get here?

P.O. TONNA:
No, no. Legislator Bishop, I'm going to ask you to keep -- I'm going to start the clock right now. No filibustering.

LEG. CARACCIOLO:
Mr. Chairman, point of order. Look at your list, before we recessed I was on your list.

P.O. TONNA:
Oh, okay. Legislator -- oh, I'm sorry. I crossed it off probably --

LEG. BISHOP:
I'll yield to Legislator Caracciolo.

LEG. CARACCIOLO:

It's not a question of yielding, it's a question of being properly recognized.

P.O. TONNA:

Legislator Caracciolo, it was crossed off for some reason, I apologize.

LEG. CARACCIOLO:

You do that all the -- you have trouble looking this way for some reason.

P.O. TONNA:

To the right? Probably.

LEG. CARACAPPA:

It's me.

LEG. HALEY:

At least you admit it.

LEG. CARACCIOLO:

This matter should be settled and settled today. It's been on our agenda and I think to use the example of another discussion or debate that transpired for a very long period of time last night, if we are serious about conducting the people's business instead of our personal business and personal agendas, then let's do that, A. B, if we are serious about streamlining County Legislative business, then let's do that and not filibuster issues. These two resolutions have been on our agendas --

P.O. TONNA:

Absolutely.

LEG. CARACCIOLO:

-- for weeks, for months. There has been more than ample input from all of the interested parties on both sides of this issue to speak to the issue, they have done that. Let's have a vote, period.

LEG. BISHOP:

Mr. Chairman, now may I?

P.O. TONNA:

Legislator Bishop and then I'm going to call a vote or I'm going to make a motion to call -- to end debate.

LEG. BISHOP:

Calling the vote and pretending that it matters when you know that the Legislator is two minutes away is ridiculous because you can just reverse the vote once he arrives.

P.O. TONNA:
Legislator Bishop, he was here 15 minutes ago you said.

LEG. BISHOP:
He was not.

P.O. TONNA:
Okay? And I gave the courtesy to the minority leader to give a 10 minute which turned out to a 20 minute --

LEG. BISHOP:
I can't produce him if he's not even here.

P.O. TONNA:
A 20 minute recess, all right? I think that this Presiding Officer went over backwards to be able to -- or backwards over or whatever it is.

LEG. BISHOP:
You did.

P.O. TONNA:
Bend over backwards to be able to make sure that you had every opportunity; take that up in your caucus with Legislator Guldi.

LEG. BISHOP:
You know, Legislator Guldi is not off on some personal romp, he's conducting County business across the County.

P.O. TONNA:
It doesn't matter, Legislator Caracappa had a Sewer Agency meeting today, other people had other business, and if we got to the business last night that we were supposed to get to we wouldn't be here today.

LEG. FISHER:
There was a filibuster last night.

P.O. TONNA:
That's it. There was no filibuster last night.

LEG. BINDER:

There was no filibuster.

LEG. FISHER:

It sounded like one.

LEG. BISHOP:

This is all true. But the point that you're making --

P.O. TONNA:

There was none.

LEG. BISHOP:

-- that it's important to have the vote right now and it's the luck of the drawer is silly because he's going to be here in a few minutes and we'll just reverse it to the inevitable result if he was here.

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P.O. TONNA:

So then reconsider, then vote to reconsider later. We have it in our rules, we have it in our rules to be able to reconsider, if you want to have vote, all right? Let's move the question, please.

LEG. HALEY:

The question is?

P.O. TONNA:

There's a tabling motion and a second. Legislator --

LEG. BISHOP:

We're tabling which bill?

P.O. TONNA:

We're tabling Resolution No. 2153. There's a tabling motion by Legislator Cooper, seconded by myself. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. COOPER:

Yes to table.

**P.O. TONNA:
Yes.**

**LEG. BINDER:
No.**

**LEG. BISHOP:
No.**

**LEG. NOWICK:
Yes to table.**

**LEG. CRECCA:
No to table.**

**LEG. CARPENTER:
Yes.**

**LEG. ALDEN:
No to table.**

**LEG. FIELDS:
Yes to table.**

**LEG. LINDSAY:
Yes to table.**

**LEG. FOLEY:
No to table.**

**LEG. HALEY:
No to table.**

**LEG. FISHER:
Pass.**

LEG. CARACAPPA:

No.

LEG. GULDI:

(Not present).

LEG. CARACCIOLO:

No.

LEG. FISHER:

Yes.

MR. BARTON:

Seven.

P.O. TONNA:

All right, there we go, motion fails. There's a motion to approve by Legislator Alden, seconded by Legislator Caracappa. Roll call.

LEG. BISHOP:

On the motion?

P.O. TONNA:

Go ahead.

LEG. BISHOP:

Well, I would ask what the enforcement provisions are in this legislation and how the sponsor envisions it being enforced.

LEG. ALDEN:

Counsel?

LEG. BINDER:

Probably the way we enforce the cell phone bill.

MR. SABATINO:

The violations on 2153 would be a misdemeanor, an unclassified misdemeanor which would have a penalty as high as up to one year in prison and a \$5,000 penalty, so it would be criminal penalty.

LEG. HALEY:

Enforced by?

LEG. ALDEN:

Suffolk County Police or Suffolk County Sheriff.

P.O. TONNA:

Okay, thank you.

LEG. BISHOP:

Do we have --

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P.O. TONNA:
Roll call.

LEG. BISHOP:
Do the Police or Sheriff regularly -- it would only be on a basis of when there's a complaint registered, is that how you envision it working?

LEG. ALDEN:
No.

LEG. BINDER:
I thought I'm --

LEG. BISHOP:
No what? No, sir?

LEG. ALDEN:
No, Legislator Bishop.

P.O. TONNA:
Legislator Bishop, you're going to have opportunities, you're going to have opportunities to reverse yourself on this. Could we please move on with the agenda, sir? Can we please move on with the agenda?

LEG. BINDER:
His no vote is not going to make the difference.

P.O. TONNA:
Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. ALDEN:
Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

No.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

To approve, yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Pass.

P.O. TONNA:
No, no to approve.

LEG. CARACCIOLO:
Yes.

LEG. CARACAPPA:
Ten.

P.O. TONNA:
Okay, there you go. Okay?

MR. BARTON:
Ten.

P.O. TONNA:
2225.

LEG. HALEY:
Now we don't need the other one.

LEG. COOPER:
We'll see about that.

P.O. TONNA:
Okay, 2225-03 - Authorizing the continuation of the 2002 Vector Control Plan of the Department of Public Works, Division of Vector Control, pursuant to Section C8-4(B)(2) of the Suffolk County Charter for 2003 (County Executive). Motion by Legislator --

LEG. CRECCA:
Crecca.

P.O. TONNA:
-- Foley, seconded by -- oh, Legislator Crecca, seconded by Legislator --

LEG. HALEY:

Haley.

P.O. TONNA:

Haley?

LEG. FIELDS:

On the motion.

P.O. TONNA:

On the motion.

LEG. FIELDS:

This is on 2225. I had asked last night that someone from -- Dominick Ninivaggi and someone from Public Works address us on some of the discussion that we had in the Health Committee.

P.O. TONNA:

Okay. Could we please have the representatives from the County Executive's Office to come up here and answer some questions, I'm sure with regard to the Vector Control Plan, ditching and all the other things, right? No, they should be here. Here we go.

MS. MITCHELL:

Here we are. We're here to answer any of your questions.

LEG. FIELDS:

Leslie, when we discussed this in the Health Committee and several other places and at different times, it was my understanding that Vector Control was going to ditch, maintenance ditch no more than 75 linear miles; is that correct?

MS. MITCHELL:

That's listed as a program goal in the 2002 plan.

LEG. FIELDS:

So is that correct that it was going to be no more than 75 miles?

MS. MITCHELL:

I'm not sure that it's legally stated in the plan not to exceed a specific number.

LEG. FIELDS:

Because that was one of the reasons that I agreed to it. And from my understanding, the application that is before DEC now is looking for the full gamut of all of Suffolk County's --

MS. MITCHELL:

I'll clarify the application issue, I know that's come up a number of

times.

LEG. FIELDS:

Furthermore, it's my understanding that Erin {Crody}, who is the head of New York State DEC, is in the process or has already sent a letter to the Legislature to reconsider or at least consider the way that we

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vote to approve because the application has some variances that may not be that comfortable for people to abide by.

MS. MITCHELL:

That I'm not familiar with. But as far as the status of our application, we had an application, it was actually submitted to the DEC in November of 2001. We heard back from the DEC that the application was considered incomplete, that we needed -- it needed to be coordinated with our annual plan of work. And in November of 2001, we did not have a 2002 plan to coordinate with so we waited, and the County Executive signed the 2002 Plan of Work into law the end of March. In May we resubmitted the application and again heard back from the DEC that the application that we submitted didn't truly coordinate with the plan of work and they gave us two options, we could either modify the negative declaration that we had received to be -- to include the additional work that was listed in the application or we could modify the project description so that it coordinated with the work that we received the negative declaration on. It was the second option that we planned on proceeding with but we never resubmitted the appli -- we left everything in abeyance because it was late in the season and we were involved in other things and we figured at that point --

LEG. FIELDS:

So then --

MS. MITCHELL:

There's nothing right now that's pending before the DEC. What we plan to do is reactivate that application once we have an approved plan of work.

LEG. FIELDS:

Okay. But I think that -- as you know, one of the concerns that I have is that while we're proceeding and trying to go forward with an environmental impact study, that actually we should be doing -- we shouldn't be doing any ditching because it may end up at the culmination of the environmental impact study that ditching is not something that we should be doing. I agreed to compromise knowing, or at least assuming or understanding, and maybe incorrectly, that we would be ditching no more than 75 miles. And in fact, I asked how do you decide which ones you're going to ditch, is it willy-nilly, etcetera, I was told no. And now I am understanding that the plan that we may approve will go before DEC, me thinking it's 75 miles and then the application is going to be any wetland that we want to ditch we might ditch as we see fit as we go along; am I correct?

MS. MITCHELL:

First of all, it's only maintenance ditching that the plan allows us to do, so there's absolutely no new ditching to be done.

LEG. FIELDS:

I believe in the application it said something about new ditching.

MS. MITCHELL:

The application will be amended and there's no new ditching that we

will be requesting or that will be done, it will be only maintenance of existing ditching.

LEG. FIELDS:

Okay. But I need to know that it's not going to be more than 75 miles.

MS. MITCHELL:

I can tell you that it's almost physically impossible for us to do more than that. I wish I could -- Dominick's looking -- are you looking at the Plan of Work to see?

Okay. In the standard water management section of the 2002 Plan of Work, it does not specifically state a maximum amount of linear feet

or miles. In the program goals, which is at the end of the Plan of Work, it says that the goal is to maintain adequate flow of water and mosquito breeding wetlands by cleaning 400,000 feet of ditches, which is the equivalent of 75 miles.

LEG. FIELDS:

What's the application going to say with the DEC?

MS. MITCHELL:

The application will be consistent with the Plan of Work.

P.O. TONNA:

You have any more questions?

LEG. FIELDS:

Not right now. Where are the rest of the Legislators?

P.O. TONNA:

Roll call. There's a motion and a second. I'd ask all Legislators to please come to the horseshoe.

LEG. CARACAPPA:

Roll call, Henry.

P.O. TONNA:

The Ephedra vote is over.

LEG. BISHOP:

This is a vote to do what, to table?

LEG. CRECCA:

I made the motion already. There is a motion to approve and a second.

P.O. TONNA:

There is a motion to approve and a second, 2225. We have the Department of Public Works here, people have asked questions and now roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CRECCA:

Yes.

LEG. BISHOP:
Motion to table.

P.O. TONNA:
All right, there's a motion to table by Legislator Bishop.

LEG. CRECCA:
We're in the middle of a roll call.

P.O. TONNA:
It's allowed, it's always been allowed. But it sounds good, maybe that's a new rule. All right. I'm like, did I do something wrong?
All right, Legislator Bishop, seconded by Legislator Foley. Roll call on the tabling.

LEG. BISHOP:
Actually, you know, Mr. Chairman?

P.O. TONNA:
This is a motion to table; roll call.

LEG. BISHOP:
Mr. Chairman, if I may amend my motion. I think the proper motion would be to recommit to the Health Committee for more discussion because I think there are issues involving DEC.

P.O. TONNA:
All right, fine. You made a motion to recommit. Is there a second?

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Second by Legislator Caracciolo. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Recommit, yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

(Not present).

LEG. GULDI:

Yes.

P.O. TONNA:

No.

LEG. FIELDS:

Yes.

MR. BARTON:

Nine.

P.O. TONNA:

Okay. Now there's a motion to approve and a second; roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CRECCA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

(Not present).

P.O. TONNA:

Keep going, keep going.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Abstain. No, put me as -- abstain.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

(Not Present).

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

P.O. TONNA:

Yes.

LEG. COOPER:

No.

LEG. FIELDS:

Abstain.

LEG. FISHER:

Abstain.

P.O. TONNA:

Motion to table.

LEG. LINDSAY:

You didn't call me, Henry.

MR. BARTON:

Oh, I'm sorry. Legislator Lindsay, I put you down as a yes; you're a no?

LEG. FOLEY:

Second the motion to table.

LEG. CARACCIOLO:

Motion to table, Mr. Chairman.

LEG. GULDI:

Point of order. Point of order?

P.O. TONNA:

I already made a motion to table, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. BINDER:

No. Mr. Chairman, that's fine. I think that we shouldn't table this. If those who want to have this go down or want to abstain, which is essentially a no vote, and don't want us to do the ditching and want their constituents just filled with mosquitoes, some will just call it a nuisance but as they walk out of their homes they can't even walk out of their homes because they're filled with mosquito bites, that's fine. Let's not table this, let it go down if that's what they want to do. And we're going to push this out to a point -- if we're going to table it today it's going to go to a point where they can't do the ditching, they can't do what they need to do and so we're going to give them an impossible job. So why don't we just let it go down and let the political chips fall where they may.

P.O. TONNA:

On the motion.

LEG. BINDER:

I'm voting no on the motion.

P.O. TONNA:

On the motion, I have a question.

LEG. FISHER:

On the motion.

P.O. TONNA:

On the motion, I recognize myself. Leslie, I have a quick question.

MS. MITCHELL:

Sure.

P.O. TONNA:

If we do not approve it today, if we approve it in January or whatever else, do we --

LEG. BINDER:

February.

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P.O. TONNA:

February; I think it's the end of January that we're talking about. Anyway, if we approve it in the end of January, do we still have a chance to get all of this done?

MS. MITCHELL:

We begin our water management work right away.

P.O. TONNA:

Which is when?

MS. MITCHELL:

You know, January, as soon as we can get out there.

P.O. TONNA:

Okay.

LEG. HALEY:

On the motion.

MS. MITCHELL:

I can't answer the question as to whether or not we can't do it, but certainly we will be losing valuable time.

LEG. CRECCA:

And County resources and employees I assume, too, that we're paying to do the work.

MS. MITCHELL:

Uh-huh.

P.O. TONNA:

Okay. Legislator Haley has the floor.

LEG. HALEY:

Leslie, I know Dominick probably -- you spent a lot of time -- perhaps Dominick might want to come up, too. You've already spent a lot of time before the Health Committee, is that correct, or was it the Public Works Committee?

MS. MITCHELL:

The Health Committee and the Environment Committee.

LEG. HALEY:

So you've spent an awful lot of hours. In your estimation, is there anything different that was brought to light today that hasn't already been addressed in those committees?

MS. MITCHELL:

No, I think we've discussed the water management component at length. And if it gives the Legislature a comfort level, I can certainly state that it's not our intent to exceed the 75 miles of ditch work, but I'm being honest in that it's not clearly reflected in the Plan of Work.

LEG. HALEY:

And the Plan of Work has to match, right? I mean, isn't that what DEC has required, it has to match?

MS. MITCHELL:

The application needs to be consistent with the Plan of Work which is what we are prepared to submit to them once we have an approved Plan of Work.

LEG. HALEY:

And the other question I have is I don't know if that's the position of a number of Legislators, I know that one in particular asked that question so, you know, I don't know if that's just a single issue. If there's another issue, I think it would be nice that we could make sure that they have a comfort level for those who aren't on the Health Committee. Those who are on the Health Committee, I would assume they would have resolved that issue before it got out, but I think we should -- I think we should make every effort for each and every one of us to give them our concerns, if they're going to have to wind up going back before the Health Committee to resolve it and resolve it quickly. That's right, I'm sorry, it's not going back to Health, it's tabled on the floor.

LEG. FISHER:

Are you done, Legislator Haley?

LEG. HALEY:

Legislator Fisher?

LEG. FISHER:

Thank you very much. Leslie, you really just stated what my problem is, that the 75 miles, linear miles is your intent and that's what you have represented. And yet there has been testimony here that that's not what's written and we want to be certain that the approvals -- that the work is in some kind of documented form at the level of 75 linear miles rather than 660 over three years which would be 220 miles; it's three times as much. And that's my concern, that it's not documented anywhere, it's not formalized. And is there a way that that can be done to give us that comfort level that we're voting on? You know, we've been beaten up on a lot of things that we have voted on that we've taken on faith and I need to have the comfort level that it's written, it's documented somewhere so that I can support it.

LEG. GULDI:

On the motion.

LEG. FISHER:

Could she answer my question?

MS. MITCHELL:

We -- by approving the plan you're not just giving a us a blank check. In order for us to do the ditch work involving the machine, which I believe is the type of work that is of concern, we make -- we deal with the DEC on a case by case basis and we receive approval from them in advance of us doing this type of work. So it's not just that we

are out there willy-nilly deciding on our own what's appropriate and

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what isn't appropriate. We check to make sure that breeding exists. You know, we involve the DEC, they come out, they determine that it is appropriate for us to be doing the work that we are proposing and we follow-up with them with a completion application. It's --

LEG. FISHER:

Leslie, you're saying with each stage of the project that process goes on?

MS. MITCHELL:

We --

LEG. FISHER:

With each part of the project that DEC is out there doing inspections?

MS. MITCHELL:

We involve the DEC at every location where machine ditching is involved. Prior to us doing the work, they give us authorization to proceed and then they sign off on a completion application.

LEG. FISHER:

Now, not all the ditching is machine ditching?

MS. MITCHELL:

No, there's also hand maintenance.

LEG. FISHER:

Okay, and I think that was referred to yesterday, hand maintenance.

MS. MITCHELL:

Uh-huh.

LEG. FISHER:

And how much scrutiny is there on that type of ditching?

MS. MITCHELL:

Hand maintenance is removing debris that doesn't belong there, shrubs,

brush, garbage, and it's removed by hand with the use of equipment like a hook. And we don't -- we are not required to involve the DEC at every step of the way with that type of work, that's actually work that they encourage for us to do, that doesn't alter the composition of the ditch.

LEG. FISHER:

I'm asking because it was mentioned again on the record yesterday and I wanted to know what the differentiation was and how much scrutiny there was of the different types of work. Now, the maintenance is hand maintenance, that's for all of the ditches or, I mean, what is the work plan with that; what are the linear miles involved in that?

MS. MITCHELL:

That's included in what we -- what our annual goal is which is that 75 mile goal.

LEG. FISHER:

So the 75 linear mile includes both machine and hand maintenance?

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MS. MITCHELL:

Yes.

LEG. FISHER:

Okay, but that's not written anywhere.

MS. MITCHELL:

No, it's listed as a goal.

LEG. FISHER:

It's listed as a goal but it's not listed in the approvals from the DEC, right, the larger number is still the number of record.

MS. MITCHELL:

What that larger number represents is what's out there in the County, that doesn't represent what we anticipate we will be ditching or cleaning. It's our inventory of ditches, that's what that number represents.

LEG. FISHER:
Thank you, Leslie.

P.O. TONNA:
Legislator Guldi?

LEG. GULDI:
Yeah, I have to respond to Legislator Binder's comments before. And I believe we're on a tabling motion, so with regard to the tabling motion versus letting the matter be resolved by the vote just cast. That is -- you know, with respect to the political consequences, I have been voting against the Vector Control plan for four or five years because I believe that this body and our Department of Public Works is required to comply with SEQRA and that any effort to declare spraying poisons on wetlands and cutting up marshes that nobody else in the State can even cause debris to be cast within 75 feet of is less than genuine, and that this body ought to comply with SEQRA for a change.

LEG. BINDER:
Mr. Chairman, wherever he may be?

LEG. LINDSAY:
Legislator Crecca is next.

LEG. BINDER:
Mr. Crecca, would you yield so I can just --

LEG. CRECCA:
I yield to Legislator Binder part of my time.

LEG. BINDER:
Thank you. It would be -- I think first off that some people have voted against the vector control because I think others are going to pass it so they can say that they're against it but they know that it's going to pass and in the end it does pass. So it's always passed so their constituents have been taken care of and so they've been able

to say, "I'm against it," but at the same time I think there are

others who are protecting their constituents.

My constituents in the middle of Dix Hills and in Greenlawn don't particularly have an infestation of mosquito problem, unless they have something going on in their backyard. So in a sense, what my vote is is to protect people in other districts who really do have the problem. Now, I understand, if we are concerned about this Vector Control Plan, then I would think that Legislators would let this go down and they would push for a new plan to come in in January that they think would comply with whatever they think needs to be complied with. But if it doesn't happen, I think these Legislators are going to have to talk to their constituents about their views on it, not just to me and across the horseshoe, but Legislators are going to have to talk to the constituents about how they can't walk out their door without getting ravaged by mosquitoes, that's up to them. But I would think that we should just -- I would even hope that the Presiding Officer would just withdraw his tabling motion so we wouldn't have to deal it, just let it go, let them call the vote and everyone voted the way they wanted to vote and we could -- Vector Control can put in a new plan in January at our first meeting, we'll have a new plan anyway so why save this one if this is the one that Legislators don't want?

P.O. TONNA:
Legislator Crecca?

LEG. CRECCA:
Yes. We currently have nine votes to approve on this bill, we have a number of you who have abstained; what I would say to you is this. I have never seen in the time I've been here anything debated more than these vector plans, but it seems that everyone agrees that we have a vector control unit to perform a function and without a plan in place, there's no question that they cannot begin to do the work they want to do, okay, or that they need to do.

I can tell you right now that -- and maybe this is very parochial of me, but I think Legislator Binder brings a very valid point. There are -- and I believe it's the vast majority of the constituents that we represent collectively in this County. But I can tell you in my district, with possibly the exception of Legislator Bishop's district, there have been more positive findings of West Nile Virus in my district and more -- and sort of unique mosquito problems in my district probably than any other one. And my point is this, look, if you've got something better, put it on, amend it later, whatever, but let's let Vector Control -- I don't want the County workers who can't -- who aren't going to be doing anything in January because we can't make a decision.

So, you know, to those who voted to abstain, and I respect your right to vote to abstain, vote yes or no to the plan but let's get this resolved once and for all. I really think that it's in the County's

best interest, I think that the residents of this County want us to control mosquitoes and I think that we really need to move forward on this. And I'm urging you on behalf of the constituents of my district to please, somebody change their vote, somebody who has either abstained or voted no, so that Vector Control can go do their work.

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LEG. GULDI:
On the motion.

P.O. TONNA:
Wait, wait. I have Legislator Carpenter, Lindsay and then Guldi.

MS. MITCHELL:
Can I just say one thing; is that okay?

P.O. TONNA:
How about this? How about I recognize myself. Do you have anything to say?

MS. MITCHELL:
Just one -- maybe this will make things a little bit easier. We will put in our amended application that as a -- that we will not exceed 75 miles of ditch maintenance work.

P.O. TONNA:
All right, there's a compromise in the works?

MS. MITCHELL:
Well, we can't amend the work plan but we can include that in the application to the DEC and I'm making a commitment to you that we will include that language in the application.

P.O. TONNA:
You know, I mean -- okay. I guess I'm going to recognize now Legislator Carpenter, then Lindsay then Guldi. But you're basically saying that you move from how many miles to --

MS. MITCHELL:
That was always our goal, it just was not clearly stated in the Plan

of Work. I'm not permitted to amend the Plan of Work, at this juncture what I can do is include that language in the application to the DEC.

P.O. TONNA:
All right.

LEG. CARPENTER:
Which if I understand correctly, basically -- I'm next, right?

P.O. TONNA:
Yes, you are. Legislator Carpenter.

LEG. CARPENTER:
Basically means that under no circumstances could you go beyond that 75 linear miles.

MS. MITCHELL:
That's correct, the permit will not allow us to do that.

LEG. CARPENTER:
Right, it's going to be in the permit, it has to be approved by the DEC. So on the heels of what Legislator Crecca was suggesting to some

of you who may have abstained, as a Legislator who represents Fire Island and districts along the south shore, I was inundated with phone calls from people who literally could not leave their homes this summer, could not use their backyards, who had patios and could not sit out there because of the real problem with mosquitoes. One of our County facilities, Gardiner Park, there were many days that people went down to walk and had to turn away because they were covered with mosquitoes. It is a real problem and I would just ask that some of you reconsider, especially in line with what the department is saying in making that commitment to include that cap in their application to the DEC.

LEG. CARACCILO:
I have a question for Legislator Carpenter.

P.O. TONNA:

All right, just -- we have a list. Legislator Carpenter, you still have the floor; do you want to entertain a question from Legislator --

LEG. CARPENTER:

Certainly.

LEG. CARACCIOLO:

Angie, with regard to your statement and the Vector Control Plan and the nuisance conditions you describe your constituents experienced. To what extent was the mitigation of trenching a factor in the conditions your constituents experienced; was it a factor?

LEG. CARPENTER:

It was a positive factor. From what I heard, especially over on Fire Island, the community of Saltaire, the village manager over there has been working very closely with the Department of Vector Control and to them it's a lifeline.

LEG. CARACCIOLO:

I understand that, but I guess the question is did we ditch last year those areas and still have the problem?

LEG. CARPENTER:

I know that it was better in some areas of Saltaire where they did the maintenance and maybe --

LEG. CARACCIOLO:

Maybe the department could answer? Because I want to see if there's a correlation.

P.O. TONNA:

Okay. Then I would ask -- I just want to stay with the list then. It's a good question, save the question to ask the department. Legislator -- oh, you want to? Okay, fine, Legislator Caracciolo to the department. Hello, Leslie.

MS. MITCHELL:

Hello. We did no machine -- no ditch maintenance work involving machines last year. We did hand maintenance work and we did some in that area, yes. Dominick is actually -- he's double checking.

LEG. CARACCIOLO:

Mr. Chairman, the real question, the essence of the question is is there a cause and effect relationship here?

MS. MITCHELL:

No, we did not do any work in Saltaire, Dominick is telling me.

LEG. CARACCIOLO:

And the reason --

P.O. TONNA:

Dominick, why don't you come up, that way, you know, you can answer.

LEG. CARACCIOLO:

What were the factors that led you not to ditch in Saltaire last year?

MR. NINIVAGGI:

At Saltaire we didn't feel like it was a ditch problem there, we handled that problem primarily with larvacide.

LEG. CARACCIOLO:

Okay, that answers my question. I mean, I appreciate the Legislator from the 11th district's statement that her constituents experienced a problem. And if, in effect, the department had recognized the need to ditch and there was ditching and it didn't eliminate the problem, then my question would have been what action should we be taking to eliminate our constituents problems. But clearly if you felt there wasn't even a need to ditch, then one is making the presumption that maybe because we didn't ditch we had the problem; would you agree with that?

MR. NINIVAGGI:

Rather than talk about one specific place like Saltaire, I think we need to look at this as a general -- I think we need to look at the generality of it. What we find from our experience over the years is that if an area has a problem, we will go out and maintain, clear out obstructed ditches and we'll find a much reduced problem the following year, and we get a pretty consistent picture with this. It rarely eliminates the problem entirely, but it usually helps a great deal and the key picture here is that by doing this maintenance work for structures and ditches that already are out there, we are not changing the area materially but we are reducing our dependents upon pesticides. And it's been my understanding since I came to this program that one of the things that we would try to do is to reduce our dependence on pesticides and this is one way that we do it.

LEG. CARACCIOLO:

Thank you.

LEG. FIELDS:
Who's next?

LEG. LINDSAY:
I am.

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P.O. TONNA:
Legislator Lindsay, you have it.

LEG. LINDSAY:
The motives for our votes have been characterized in a way that I really don't feel comfortable about. In my mind, the issue here is we heard testimony yesterday in the public portion about a DEC permit to trench 600 linear miles of trench. And now the department is telling us, they're giving us assurances that it won't be any more than 75 miles, and that was one of the reasons that I had voted to recommit it to committee to get that position clarified. But, you know, the department giving us their commitment that it will remain at 75 miles gives me a lot more -- a feeling of comfortableness with the program.

LEG. GULDI:
Are you done, Bill, because I think I'm next. A couple of things that I wanted to respond to. Mr. Crecca's concern was articulated in terms of health emergency and West Nile; the plan we have before us has nothing to do with that. Ditching is salt water mosquitoes, salt water mosquitoes haven't been found to carry West Nile; is that correct?

MR. NINIVAGGI:
Salt marsh mosquitoes have been shown in the laboratory to be capable of transmitting virus and they have been found with West Nile Virus on Long Island in Nassau County.

LEG. GULDI:
Not in Suffolk.

MR. NINIVAGGI:

So West Nile -- well, just because you don't find it in Suffolk does not mean that it's not a problem.

LEG. GULDI:

Granted. All right, that --

MR. NINIVAGGI:

But the reality is is that there are problems.

LEG. GULDI:

That answers my question, has it been found in Suffolk. The problem that I have is we are here laboring under a false assumption. The one false assumption is that we can't do anything without the plan; we can do hand maintenance of existing ditches without the plan.

LEG. FISHER:

No.

MS. MITCHELL:

No, we can't.

MR. NINIVAGGI:

We can't operate.

LEG. GULDI:

However, one thing that is clear is we are totally prohibited from doing machine ditching in the absence of a DEC permit.

LEG. FOLEY:

That's correct.

LEG. GULDI:

We have no DEC permit in hand, we have an application at the DEC that is not in -- that is in dissidence with the plan that's being articulated here. And to say that the department is somehow going to

be hampered by us turning down this application in the absence of a DEC permit is false. Without the DEC permit we cannot do the work anyway, firstly.

Secondly, the West Nile issue is a separate issue to the extent that there is a health emergency, there is a State plan and there are actions approved with compliance with SEQRA that we can undertake. So the false assumption that we are somehow holding up the program and idling workers is predicated on a presumption that the DEC has or will issue a permit when they have not and there is little probability, in my opinion, that they will.

MS. MITCHELL:
Can I respond?

LEG. GULDI:
That wasn't a question.

LEG. FISHER:
I want to hear her response.

LEG. GULDI:
Are you next on the list?

LEG. FISHER:
Yes. Can you respond, Leslie?

MS. MITCHELL:
In the absence of an annual Plan of Work, the department cannot conduct its Vector Control activities. Legislator Guldi is correct that in the absence of a DEC permit the department cannot conduct ditch maintenance work involving machines. We cannot activate our application before the DEC until it is consistent with an annual Plan of Work. So there's nothing currently pending before the DEC for them to be evaluating. We can only reactivate that once we have an annual Plan of Work that is approved.

MS. CARBONETTO:
Okay. So without -- you still have the floor, I'm sorry. That was an answer to your question.

LEG. GULDI:
Yeah, if that was an answer to my question, then what is it that the -- what is it that Vector Control -- what is the documents that Vector Control has filed with DEC that Mr. McAllister happens to have

possession of and be waving around the room; If that's not an application for a permit, what is it?

MS. MITCHELL:

It was an application from a year-and-a-half ago, it is being held in abeyance, we have not reactivated it. We have not reactivated it.

LEG. GULDI:

Since when?

LEG. CARACAPPA:

What's the date on that?

LEG. GULDI:

Hold on. Before you give us the date, and please just hand me the document.

MS. MITCHELL:

Uh-huh.

LEG. GULDI:

What's the date of the last application?

MS. MITCHELL:

I believe it was May of 2002?

LEG. HALEY:

Mr. Chairman, this is getting out of -- now we have public participation behind the dais. Please.

P.O. TONNA:

Excuse me.

LEG. HALEY:

You removed him. So we have public participation behind the dais.

LEG. FISHER:

He didn't step behind it.

P.O. TONNA:

I think Legislator Haley's point is taken, please.

LEG. GULDI:

No, I can ask anyone in the world to hand me any document any time I want --

P.O. TONNA:
I didn't know I was talking to you.

LEG. GULDI:
-- regardless of Mr. Haley's concern about who they are. I have --

LEG. HALEY:
They can't come into the Legislative area.

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LEG. GULDI:
Wrong. As a member of this body, I have a right to --

LEG. HALEY:
Wrong; read the rules, Mr. Guldi.

LEG. GULDI:
I have a right under the rules to invite anyone anywhere I am in this building --

LEG. HALEY:
And other Legislators can have them removed.

LEG. GULDI:
Excuse me, I have the floor, Mr. Haley.

LEG. HALEY:
You know the rules, George

LEG. GULDI:
I have the right to invite any individual anywhere I want in this building and no rule of this Legislature or opinion of another member of this body can abrogate that right.

P.O. TONNA:

Legislator Guldi, I had no idea, I thought Legislator Haley was relating to somebody walking back and talking to the Clerk or Budget Review.

LEG. GULDI:

No, he --

P.O. TONNA:

All right.

LEG. GULDI:

I had an individual hand me a document, that's what he was referring to.

P.O. TONNA:

You have a document. Okay, listen to me. Let's just --

LEG. BISHOP:

Is there anything we won't fight about?

LEG. GULDI:

This is what happens when you have two meetings two days in a row.

P.O. TONNA:

Okay. I am going to -- the people here should have a certain modicum of decorum. No, please. Legislator Guldi, you have the floor, finish what you're saying, let's get this vote over with.

LEG. BISHOP:

It would be a great moment if we recessed the meeting.

LEG. GULDI:

I'm looking at Susan Ackerman's of May of 2002, which I will read in pertinent part two. She's of the Department of Public -- oh, excuse me, it's Dominick Ninivaggi's letter to Susan Ackerman of the DEC, the second paragraph of it which reads, dated May of 2002, "I had asked the DEC to suspend processing a permit until I could be sure that the application is consistent with the 2002 Work Plan." So far, let's read

the next sentence. "I have reexamined permit application and it appears to me that no changes are required. So I would like the DEC to continue processing the application;" totally the contrary of asking them to suspend, it asks them to not suspend and to take action.

LEG. FOLEY:

What's the date on that?

LEG. GULDI:

That's the May letter that was just represented asked them to suspend; in fact, that letter asks them to process.

MS. MITCHELL:

And then in response to that letter is the letter from the DEC directing us to do one of two things, to either modify the project description or to modify the negative declaration. We have chosen to modify the project description which we have not done yet and there have been e-mails going back and forth that you don't have that ongoing dialogue between the department and the DEC.

LEG. GULDI:

Yeah, but what you're saying here contradicts what the DEC asks you to do. I'm referring to the August 23rd letter that you just referred to, reading the last paragraph it says, "Therefore the issue must be clarified before the department will consider the application to be complete."

MS. MITCHELL:

Right.

LEG. GULDI:

"Accordingly, please consider modification of the negative declaration to more clearly encompass all activities outlined on the permit application or modification of the project description in the New York City permit application to include only ditch cleaning and maintenance and a clear description of the activities associated with ditch cleaning, will submit a letter indicating that you will suspend processing the application," etcetera.

MS. MITCHELL:

Which is what we intend to do once we have --

LEG. GULDI:

Your application for 75 miles of machine ditching which is not ditch cleaning, it's ditching.

MS. MITCHELL:

Predated the letter from the DEC.

LEG. GULDI:

Yeah, but the work plan that you've submitted here contradicts that request.

MS. MITCHELL:

No, I don't see how it does.

LEG. FOLEY:

Illustrate how, George.

LEG. GULDI:

This, the DEC suggests maintenance of ditches; are you submitting that machine ditching is maintenance or are you -- and is somehow not new ditching?

MS. MITCHELL:

That's correct.

LEG. GULDI:

Oh, okay, that's a --

MS. MITCHELL:

We are not doing any new ditching. The 2002 Plan of Work does not allow for any new ditching, it only provides for the maintenance of existing systems, that's what's reflected, that's what will be reflected in the application assuming that we have an approved Plan of Work. We need to have an approved Plan of Work first and then the application will be coordinated with that approved Plan of Work and the application before the DEC will begin processing.

LEG. GULDI:

Well, if I read this letter the way I think the DEC reads this letter, you're wasting your time because they're not going to approve your plan for machine dredging -- machine ditching unless you change the negative dec. That's what it says and as long as it says that, if you had a plan here that doesn't match what the DEC says it's going to entertain, then you're not going to get a permit; and without a permit you're not doing anything.

MS. MITCHELL:
That's correct.

LEG. GULDI:
At least not in compliance with law.

P.O. TONNA:
Can I make a suggestion?

MS. MITCHELL:
I agree with you, but we have every intention of working with the DEC and making sure that once we have an approved Plan of Work that the application is consistent with that approved Plan of Work.

LEG. HALEY:
With that addition.

P.O. TONNA:
Is there a possibility that we can receive a CN and you just make that stipulation with regard to the 75 whatever, and that I think will settle some of the issues, no?

LEG. GULDI:
For you.

P.O. TONNA:
Not for you. Does that settle any issue? Paul, tell them what you just whispered in my ear, I'm not even good repeating it.

LEG. FISHER:
Well, actually --

MR. SABATINO:
What I was suggesting was that since the sticking point seems to be the apparent or perceived inconsistency between the application and the work of plan and that might be the bottleneck, if we could just do a Certificate of Necessity and add an amendment to the effect that what was represented as being the intention of filing an application

consistent with these modifications to the work plan is what's going to be done, at least there would be a comfort level that the work plan, the resolution and the proposed application are all going to be consistent and uniform so they'll be no perception at least that there's an inconsistency. And I thought maybe that would break the log job --

LEG. FISHER:
Excuse me.

MR. SABATINO:
-- to get the vote tonight.

LEG. FISHER:
Mr. Sabatino, that's a very good idea because my questioning and the reason I voted to table, unless it was -- except for the fact that it was characterized by some people around the horseshoe as many negative things, the reason I asked for it to be tabled was because there was information that we had received yesterday that was contradictory to what you were saying. If this 75 linear feet were put in writing in a CN as Counsel suggests, I know that I for one would not have a problem supporting that.

P.O. TONNA:
Is that a possibility, Todd?

MR. JOHNSON:
I have a couple of concerns. One is that I think the department has made it clear what their intention is, not to -- they have no plans to exceed the 75 miles at all and that's the plan that they have before you and that's the plan that you're going to approve. So by approving that plan, you would be holding them to that goal in itself, so to me it's kind of --

LEG. NOWICK:
It doesn't say it.

MR. JOHNSON:

-- an unnecessary duplication of what you're approving right here. The other concern I have is just a logistical one, that a CN would require 12 votes, to be honest with you.

P.O. TONNA:

Right, I could see that.

LEG. FISHER:

Excuse me, Todd. Todd, there is another difference that you didn't mention, that Leslie did represent that they would be amending the application to the DEC; that would be the difference, wouldn't it, Leslie?

MR. JOHNSON:

Well, I think -- correct me if I'm wrong, Leslie.

LEG. FISHER:

Their work plan right now is not completely in line with the application to the DEC, so I think what Leslie had indicated was that there would be an amendment to the application.

MR. JOHNSON:

This is the clarification. As far as the department is concerned, there is no application before the DEC. An application comes after the plan is approved, an application reflects the plan. So what is before the DEC right now reflects what was their plans before, okay, in which they have asked to be suspended which is not being considered by the DEC and, in fact, does not materially exist anymore, it's not being considered, it's not being adjusted. What's going to happen is after the plan is approved by this body, then a new application process will begin and that will have to reflect the new plan which you approve.

P.O. TONNA:

Okay.

MR. JOHNSON:

So there's no issue of conflict with an existing application because there is no application being considered right now. That will all be based on what you approve and what's before you right now is an application for a plan not to do any more than 400,000 feet of existing maintenance ditching.

LEG. FISHER:

Counsel, before us, the work plan that's before us, does it have those specific indications of the 75 linear feet, that include both machine miles rather -- feet, we'd have no problem -- miles and that would include both machine and hand maintenance?

MR. SABATINO:

I'd have to go back and reread the plan, but understand it's a continuation of the 2002 Work Plan for 2003, so you're continuing what

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was in place. But my comments were more directed, though, at what appears to be a discrepancy between the application process and the semantics of it's in abeyance or it's been suspended. I mean, I don't have --

LEG. FISHER:

Well, that's why we're questioning that.

MR. SABATINO:

I don't have access to all the documents, so what I was -- without having access to all the documents but listening to what Legislator Guldi read on the record, listening to the testimony from last night and listening to what the Department of Public Works stated today, I thought that maybe the bridge would be just to make it absolutely clear that the application -- whatever is stated -- because quite frankly, it can't be in a -- from a legal standpoint, the only way it can be in abeyance would be if DEC which is the receiving agency issued some kind of an order saying that we're holding this matter pending --

LEG. FISHER:

Pending certain other items.

MR. SABATINO:

-- you getting back to us with something; I didn't hear that stated. By the same token, if the County --

MR. JOHNSON:

Legislator Guldi just made the statement in his letter of August 23rd that --

LEG. FISHER:

Either changing the neg dec or --

MR. JOHNSON:

Yeah, he has the letter from DEC himself which he's explained to you.

MS. MITCHELL:

I have it right here.

MR. JOHNSON:

That application is not being considered because there's an inconsistency. What's going to happen is the plan is going to be approved, the application is going to be changed to be consistent with the plan; that is the only issue I believe that's --

MR. SABATINO:

But that seems to be the whole point which is that --

LEG. GULDI:

It's not the whole point, that's part of the point. The other part of the point is that the DEC has opined this or looked at -- part of the plan is to under the guise of maintenance ditching to expand existing ditches to 36 inch depth and 36 inch width. The DEC is never going to permit that as maintenance, that is not maintenance, that's expansion, ditching.

MS. MITCHELL:

We have no plans to do that type of work. And you're correct, the DEC will not allow us to do that work and I have already represented that any ditch maintenance work involving machines requires DEC approval.

MR. JOHNSON:

Let me just read what it says in the plan as it is right now before you.

P.O. TONNA:

Hold it one second. Is this fruitful? I mean, have people made up their minds, okay? Because I tell you, we have four more very controversial issues and I would have to say it's taken three years for me to feel this way but we have some housekeeping resolutions that if we do not --

LEG. FISHER:

Actually, Mr. Chairman, the reason I have gone through this line of questioning was because I was considering making a motion to reconsider --

P.O. TONNA:
Right.

LEG. FISHER:
-- for approval.

P.O. TONNA:
I don't have a problem with what you're doing, Legislator Fisher. What I have -- the only concern that I have is that I think -- we have answered all the questions, right? We have half our Legislators --

LEG. FISHER:
Well, we were almost there because Counsel had come up with a different scenario and the County Executive's office is saying that he feels that we don't need to represent that again, that it has been represented in the work plan. So actually this isn't just talking to hear myself talk, it's because there are questions that came up yesterday that underscored some discrepancies.

P.O. TONNA:
Legislator Fisher has the floor.

LEG. FISHER:
I am going to take what Leslie is saying on -- I know, we still have to go back to the resolutions. I have people from my community who have been here -- spent fifteen hours here yesterday and have been here all day today waiting for us to visit those resolutions. Christine Costigan is here, believe me, I'm very cognizant of the time, but I think this is important, they need to have this approved in order to reapply to the DEC. So I am going to make a motion to reconsider.

P.O. TONNA:
Okay.

LEG. FISHER:

I was on the prevailing side.

MR. BARTON:

I haven't called the vote yet.

LEG. FISHER:

You didn't call the vote?

MR. BARTON:

No.

LEG. FISHER:

But it was a tabling vote.

LEG. BINDER:

No, on the approval.

MR. BARTON:

On the approval I haven't called the vote.

LEG. GULDI:

Point of order. The vote hasn't been called yet so it can't be reconsidered.

LEG. FISHER:

Okay, that's what I was just told.

LEG. BINDER:

She can change her vote, she just changed her vote.

LEG. FISHER:

I'm changing my vote to a yes then, Henry.

P.O. TONNA:

Okay.

MR. BARTON:

Ten.

P.O. TONNA:

Thank you.

MS. MITCHELL:

Thank you.

P.O. TONNA:

Let's go on. Thank you, Legislator Fisher. And I appreciate --

LEG. FISHER:

Mr. Chairman, can we go back?

P.O. TONNA:

I have two CN's that I have to do.

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LEG. FISHER:

Mr. Chairman, Christine Costigan has been here a few hours.

P.O. TONNA:

I understand, and she's going to be here until I get these two CN's done. These two housekeeping resolutions, if they're not done, okay, basically, if I'm not mistaken, County government shuts down as we speak and we need to get these done.

LEG. HALEY:

We haven't tried that yet, okay.

P.O. TONNA:

Okay. I would ask all Legislators, please come to the horseshoe, All Legislators. I'm going to -- right now, I have -- okay. I have a -- Resolution No. 2341. 2341 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in Fund 039 of the 2002 Discretionary Operating Budget.

LEG. BISHOP:

Should we do all the CN's?

P.O. TONNA:

Motion by Legislator --

LEG. CRECCA:

Wait, wait. This is a CN?

P.O. TONNA:

Yes, CN 2341. Motion by Legislator --

LEG. BISHOP:
Which is this one?

LEG. BINDER:
Comptroller, transfer funds.

LEG. FISHER:
Authorizing the Comptroller --

LEG. HALEY:
So moved. So moved.

LEG. FISHER:
-- to transfer funds.

P.O. TONNA:
Okay. This is -- okay. Please, everybody have the CN's in front of
you.

LEG. FOLEY:
What's the number? What number is this?

LEG. FISHER:
2341 and 2274.

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P.O. TONNA:
Yes. 2341, and then --

LEG. CRECCA:
I don't have 2341.

LEG. FISHER:
2274.

P.O. TONNA:
2274. The first one, 2341, just wait.

LEG. BINDER:

On the motion.

LEG. HALEY:
Motion.

P.O. TONNA:
This is with -- okay. There's a motion by Legislator --

LEG. FISHER:
Second.

P.O. TONNA:
-- Haley, seconded by Legislator Fisher. All in favor?

LEG. FOLEY:
Explanation. Explanation, please.

P.O. TONNA:
Okay. Explanation. Fred?

MR. POLLERT:
Yes. What this resolution would do would be to transfer funds to the Employee Medical Health Program, Fund 39, so that that program can continue to make payments for health claims through the end of December, 2002.

LEG. HALEY:
Question.

P.O. TONNA:
Thank you. Hold it a second, we have a list. Legislator Bishop first, then Legislator Haley.

LEG. CRECCA:
Before we hear from --

P.O. TONNA:
And then Legislator Crecca.

LEG. CRECCA:
I just would ask that we get a more -- before we go to debate, that we get a fuller explanation. That was a very -- you know, succinct, but let's see where they're getting the money from --

P.O. TONNA:
Okay. Legislator Crecca.

LEG. CRECCA:
And how much it is.

P.O. TONNA:
When I recognize you, you can ask all the questions you'd like.

LEG. BISHOP:
I would yield to Legislator Crecca for the purpose of asking questions.

P.O. TONNA:
Just -- it doesn't work that way. Legislator Bishop, you have -- you could go to the back of the line, Legislator Bishop, but Legislator Crecca --

LEG. CRECCA:
His rules --

P.O. TONNA:
Go ahead.

LEG. CRECCA:
The rules let a Legislator yield his time.

P.O. TONNA:
Go ahead, just go, just go. Go ahead, Legislator Crecca. Legislator Crecca, you have the floor.

LEG. CRECCA:
Fred, can you just give us a little more detail of what this bill does, i.e. how much money it transfers, where it transfers it from, what the purpose of it, that transfer, is for?

MR. POLLERT:
The resolution would transfer a total of \$8.7 million worth of appropriations. The appropriations will be coming from a variety of different funds, including the General Fund, the Police District Fund, and the County Nursing Fund. In total, the transfers from the General Fund will be approximately \$6 million, the transfer from the Police District will be approximately 2.5, and there will be a transfer of \$108,000 from the County Nursing Home Fund. The 6 million dollar transfer from the General Fund, the largest items are \$1 million on

the EPIC Reimbursement Program, 2.4 or \$2.5 million from the Living Wage contingency, and then there are a variety of smaller reductions, primarily in Board of Elections, Public Works, Health Services, and in State Retirement that make up the remainder of the transfer of \$6 million. The transfer of \$2.5 million from the Police District is associated with a reduction in the State Retirement appropriations for 2002. The transfer from the nursing home is, likewise, \$108,000 reduction from the State Retirement funds.

LEG. CRECCA:

Fred, the -- and what would be the purpose of the size of this

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transfer? I mean, in other words, it is to bring us through -- for EMHP costs through when?

MR. POLLERT:

The Budget Review Office issued a memo to all Legislators, dated yesterday, which explained that this transfer will enable the Employee Medical Health Program to continue to process the payments through the last check register of December, so it will allow processing of payments up through the last week of December. The final week in December will be a check register cut in January, and that will be accrued back to 2002, but it will not be paid from 2002 appropriations. Despite this transfer of \$8.7 million, there will be additional bills paid in 2003 that were incurred on behalf of employees in 2002 that would be accrued back. In total, we estimate about \$15 million will be accrued back.

LEG. CRECCA:

Another question. Will this bill change the original appropriation for health benefits in Fund 39, which was originally \$129.9 million for 2002?

MR. POLLERT:

It, in fact, will. It will increase available appropriations by \$8.7 million. The additional appropriations will both allow the processing of payments, as well as enable the normal processing to go forward.

LEG. CRECCA:

If the Legislature does not approve this bill, then it would be my understanding that the Treasurer, who has to pay back the General Fund \$15.5 million that was borrowed for EMHP would not be able to pay that back, or would not have enough money to pay it back, or am I wrong?

MR. POLLERT:

It would appear that the County Treasurer would be short. However, we are anticipating that the Community College will be making additional transfers to the Employee Medical Health Benefits for their liability for employees covered under the program. There potentially would be problems with repayment of the General Fund. More importantly, it would stop the timely processing of health benefits. There would be no legal authority for the Comptroller's Office to process payments for Employee Medical Health expenses.

LEG. CRECCA:

What effect does this bill, passage of this bill, have on the 2003 Operating Budget?

MR. POLLERT:

The 2003 Operating Budget has been set. It will mitigate the negative carry-over fund balance from 2002 that will flow into 2003. During 2003, this time next year, we will probably be in a similar situation with perhaps cash flow problems, because that large negative carry-over fund balance. But the first time it will really be addressed with respect to increased interfund transfers will be in the 2004 budget. The 2004 budget will have to include sufficient interfund charges to the General Fund, Police District, Sewers,

Community College, to break even in the Employee Medical Health benefits.

LEG. CRECCA:

And, finally, on the 15.5 million that the Treasurer borrowed from the General Fund, my understanding is, and I just want that clarified, if you could share the numbers with other Legislators, is the bulk of that 15.5 million was returned to Fund 39. When I say returned, I mean, Fund 39 had other revenues that got us close to that money that

he borrowed; correct?

MR. POLLERT:

That is correct. Part of our Operating Budget review was a recommendation that the County Executive's Office increase the interfund transfers to Fund 39 to the budgeted amounts. The Budget Office was not transferring in all the money that they could have from the other funds, and they have now caught that up, so that all of the amounts included in the budget to be transferred to Fund 39 will be transferred.

LEG. CRECCA:

And is that approximately 14.7 million?

MR. POLLERT:

That I don't know offhand. No. My recollection, it was about \$9 million or so. So, roughly, \$9.4 million is being transferred in each month.

MR. REINHEIMER:

Yeah. On a normal monthly basis, it's 9.4 million is transferred through various interfunds, and then, in addition, to bring all the interfunds into as budgeted, that's an additional \$3 million that they'll be bringing in this December, plus the College is an additional 800,000 per month. My understanding is the College owes for three months, the last three months of 2002, so that's \$2.4 million.

LEG. CRECCA:

If you add those all together, that's 9.9 -- 9.4 --

MR. REINHEIMER:

No -- yeah, it's close to 15.3 million.

LEG. CRECCA:

Right, it's 14.7. I think it comes out roughly to about \$14.7 million, the difference being to the original 15.5 borrowed, about 800,000.

MR. REINHEIMER:

That's correct.

LEG. CRECCA:

Again, I'm just highlighting the numbers, so that Legislators have a concept that of that 15.5 million, 14.7 is coming from proper transfers. When I say proper, budgeted transfers into Fund 39. But in order to meet our -- the purpose of this bill is to meet our

obligations to pay health care claims through the last week in December, and that's why you see this 8.7 million dollar transfer. I'm not endorsing the bill, I'm not endorsing it, I just want everyone to understand what they're voting on. Thank you, Legislator Bishop.

P.O. TONNA:
Legislator Haley.

LEG. BISHOP:
No. Isn't it my --

LEG. CRECCA:
He yielded to me.

LEG. HALEY:
Bishop is next.

P.O. TONNA:
No. Legislator Haley, then Bishop.

LEG. BISHOP:
What?

P.O. TONNA:
Legislator Haley, then Bishop.

LEG. HALEY:
No, I'll defer. I'll defer. I'll defer.

LEG. CRECCA:
I apologize, Dave.

P.O. TONNA:
Legislator Bishop, it's you now.

LEG. BISHOP:
Thank you. Thank you. I think that's only right, since I just yielded so he could bring out these points that he asked to bring out.

LEG. HALEY:
I think we're going to go by height order.

LEG. BISHOP:

Mr. Pollert, the eight point -- this year's number is what, 8.7 million being transferred --

MR. POLLERT:

Yes. What this resolution will do will be increase available appropriations by \$8.7 million.

LEG. BISHOP:

Does that mean that we're lowering -- since we're taking it from other areas, we're lowering the fund balance by that amount?

MR. POLLERT:

You will, in effect, be lowering the General Fund, the Police District

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and the Nursing Home fund balance by that amount. In some cases, a few of the items that have been verified by the Budget Review Office as appropriate for transfer were not necessarily recommended in --

LEG. BISHOP:

Okay.

MR. POLLERT:

-- the 2002 estimated column. So it's not going to be a dollar for dollar reduction, but it's definitely a reduction from what it was expected to be.

LEG. BISHOP:

Okay. So we're essentially, short form, lowering the fund balance by the amount that we're transferring in. Then there's \$15 million more that will be accrued back next year, right?

MR. POLLERT:

That's a rough estimate of the Budget Review Office, that's correct.

LEG. BISHOP:

So the logical thing to do is to add the 15 to the 8 and you get 23.

MR. POLLERT:
That's correct

LEG. BISHOP:
Then, in addition to that, if there's any increase in health insurance in 2004 that's anticipated, we would need money for that when we construct the budget next year for 2004.

MR. POLLERT:
That's correct. That could be in the neighborhood of approximately another \$16 million.

LEG. BISHOP:
Okay. So you add those numbers up together, you get 8, 15 and 16, you get about 30 to \$40 million. That's a pretty certain bet, is it not, Mr. Pollert?

MR. POLLERT:
Yes, it is.

LEG. BISHOP:
All right. That is not a guess as to what's going to happen with the stock market, that's a tangible problem for next year. That was not revealed in the budget process.

P.O. TONNA:
Right.

LEG. BISHOP:
So now you know, now, colleagues, you know why the County Executive was so desperate to get a tax increase, so desperate to make cuts, so desperate, in fact, that after he was rejected in this Legislature, he went ahead and did it anyway. And that's what this resolution is

about, it's the first step in a 40 million dollar tax increase, a hole that was created by mismanagement by this County Executive. Thank you.

P.O. TONNA:

Mr. Pollert -- oh, Legislator Haley, and then I'll -- and then we have Legislator Foley and then myself.

LEG. HALEY:

As if you had, you and 17 other Legislators had nothing to do with that, right?

LEG. BISHOP:

That's right.

LEG. HALEY:

I have nothing else. Thanks.

LEG. BISHOP:

That's correct.

P.O. TONNA:

Legislator Foley.

LEG. FOLEY:

That's okay.

P.O. TONNA:

Okay. Fred, let me just ask, because the question is, the impact in 2003. Basically, what we're doing is, if somebody says that there's a huge budget hole in 2003, the honest answer is, with regard to this issue, it was created in 2002, right?

MR. POLLERT:

Yes. The Budget Review Office review of the Employee Medical Health Program for 2003 believes that the County Executive has provided adequate appropriations for 2003. Our concern, the department's concern and the consultant's concern were that the 2002 number was too low. So, for 2003, we are not anticipating on a stand-alone basis there to be any shortfall.

P.O. TONNA:

Was not an issue that was brought in the budget, and now is an issue that, if we get into 2003, somebody can say, "Hey, there's a" -- how many million dollar shortfall, forty -- that was created in 2002.

MR. POLLERT:

The shortfall, the way Legislator Bishop had worked up the numbers, it's really made up of two components. The \$39 million that he was speaking to for 2004 is made up of a carry-over shortfall from 2002, as well as normal expected growth in expenditures for Employee Medical Health benefits.

P.O. TONNA:

The shortfall from 2002 is what, again?

MR. POLLERT:

Will be approximately \$23 million.

P.O. TONNA:

Twenty-three million dollars.

MR. POLLERT:

That includes the 8.7 million dollar transfer in, without -- because there will be a transfer in of \$8.7 million if the Legislature approves this, we anticipate the carry-over shortfall to be approximately 15 million.

P.O. TONNA:

If we reduced the fund balance by \$23 million, what would -- does that do to the budget in 2003?

LEG. FOLEY:

Following year.

MR. POLLERT:

If you reduce the 2002 fund balance, 2003 is already established --

P.O. TONNA:

Right.

MR. POLLERT:

-- taxes will have to go up in 2004, because you won't have as much of a credit to the tax warrant.

P.O. TONNA:

Right. But this is my point, and this is why I'm asking the point, and it's to piggyback on some of what Legislator Bishop has said, and I think some of the questions that Legislator Crecca has -- my point is very simple, that we feel, based on the information in our budget process, that we gave a balanced budget for 2003. And now we're finding out, and correct me if I'm wrong, Mr. Pollert, that things that were done in 2002, in this administration, has already brought

the 2003 budget with a 23 million dollar concern. Forget about the increases or anything else. So that if anybody says, "Look, the Legislature gave over a budget that was, you know, already out of balance, or it didn't have enough revenue," or whatever else, that's not true. What's true is the 2002 budget, which we just found out relatively, you know, recently, has been out of budget with regard to the Employee Medical Health. And we should not be, the Legislative Branch, based on the information that we had, based on the projections that we had, and based on everything else that we had, should not be to blame for this issue.

LEG. CARACCIOLO:
Question.

LEG. FOLEY:
I've got a question.

P.O. TONNA:
Am I right?

LEG. FOLEY:
Paul, I've got a question.

P.O. TONNA:
Clarify it. I don't know what I'm talking about, come on.

MR. POLLERT:
The 2003 Operating Budget submitted by the County Executive was endorsed by the Budget Review Office. We felt that the 2003 amounts included in the budget were appropriate and continue to be adequate based upon the most recent forecast of Employee Medical Health benefits. The problem is not the 2003 budget recommended by the Executive or adopted by the Legislature, this problem is a 2002 problem.

P.O. TONNA:
Structural hole.

MR. POLLERT:

That's correct.

P.O. TONNA:
And now we have to plug.

MR. POLLERT:
And, in fact, it will continue to flow through --

P.O. TONNA:
Until 2004.

MR. POLLERT:
-- from one year to the next.

P.O. TONNA:
Okay. Thank you very much.

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Legislator Caracciolo.

LEG. CARACCIOLO:
Could we just get a comment or two on that analyses by the Budget Office, Mr. Knappe?

P.O. TONNA:
What do you say, Mr. Knappe?

MR. KNAPPE:
Good afternoon. Basically, I want to first start off by thanking Budget Review. They worked with the Budget Office, specifically myself, and a lot of time went into putting in this bill together. So, first, I want to start off by thanking the Budget Review Office.

clarification, and Budget Review can jump in if I misspeak at any point, we're talking about creating whatever the type of fund balance may be in existence when we're working on the 2004 budget. I just want to point out that there is a whole bunch of different funds that are -- that transfer funds into Fund 39, the General Fund, Police District, multiple funds. So the hit that was being discussed by Legislator Bishop is not entirely the General Fund. Every fund that has staffing contributes to Fund 39, so it would be spread out.

I know that the accruals that the Budget -- the Budget Review Director were talking about, the accrual process had been in place through multiple years, and we just need this resolution passed, the 8.7, so the Employee Medical Health Plan, the Employee Benefits Units can process claims throughout December of 2002.

LEG. CARACCIOLO:

Mr. Knappe, specifically, what I'd be curious to hear a response to was the characterizations of mismanagement and structural deficits in the 2002 County budget.

MR. KNAPPE:

Well, the one point that I would like to bring up, and the Budget Office estimated about 4 million more would be spent in Fund 39 when we were preparing our numbers in August and September, when the County Executive submitted a budget. It was in October where Budget Review in their report increased that estimate to, I think, an additional 10 million. And then there was a subsequent letter, report issued by Budget Review to Legislator Bishop in early December, which addressed the estimate as well. So the estimate has been increasing and going on throughout the process.

LEG. CARACCIOLO:

Would you characterize that as a structural budget deficit?

MR. KNAPPE:

Well, as far as the reason why the costs are increasing, why the expenditures are increasing?

LEG. CARACCIOLO:

No. Do you acknowledge that it exists, and if so, why was it not included as an area that needed to be addressed as part of the 2003 budget process?

MR. KNAPPE:

When we prepared our Operating Budget in August and September, we estimated approximately a 4 million dollar estimate increase in the appropriations in Fund 39.

LEG. CARACCIOLO:

In retrospect, you know that was grossly underestimated.

MR. KNAPPE:

In retrospect, the Budget Office should have worked with possibly Budget Review more in the Omnibus process. When it was identified in the Budget Review report that they estimated those increases, to work

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together at that time to find available offsets to make it whole at that point.

LEG. CARACCIOLO:

In mid October, when that report was issued, was there any disagreement with BRO as to the figures they reported?

MR. KNAPPE:

Specifically, I wasn't the examiner that did Fund 39. I don't think we disputed them too much. We've been working well with them over the past couple of years, as everybody is aware of. So I don't think we disagree with those numbers, but I'm not 100% sure.

LEG. CARACCIOLO:

Okay. Now, the real question is what has led to these cost overruns, and is it mismanagement, as Legislator Bishop points out, or what exactly is driving those costs higher than projections?

MR. KNAPPE:

I think it's more the increased costs that the whole country is seeing in the medical health -- the medical health field. I do know that Legislator Crecca's Finance Committee is meeting on a regular basis discussing the EMHP program. Evidence is being brought out in front of there, and continued dialogue is existing in those committees to find out really what is the root of the problems with the health plan, or any type of dialogue that's going in those cases.

LEG. CARACCIOLO:

Have recent newspaper reports that have mentioned that this was a program that was supposed to have surpluses, but, instead, has materialized deficits, are those fair and accurate characterizations or facts?

MR. KNAPPE:

Without answering that question, I think that's what Legislator Crecca's Finance Committee meeting is trying to figure out.

LEG. CARACCIOLO:

Fred, could you respond to that question?

MR. POLLERT:

Actually, there are two questions, if I could go back to the first question. The problem with 2002 is not -- does not appear to be mismanagement, the problem with 2002 appears to be that it was under budgeted from the get go. When we did our review in 2001, we had estimated that 2002 didn't have enough appropriations and, in fact, that turned out to be the case. So, the real problem was a problem of under budgeting for 2002.

With respect to the other problem, or with respect to your second question, the Audit Committee has looked at the information provided by Employee Medical Health Program, as well as the Joint Management Labor Committee. It appears that that higher than anticipated cost than the Empire Plan is not a direct cost to the Operating Budget, but is, rather, savings that we thought that we had garnered because of being in our own program did not materialize. In addition to that, it

appears that the Joint Labor and Management Committee made assumptions based upon the fact that they were cheaper than the Empire Program to enrich the program, which indirectly drove up our costs. So, during 2001, there was a change in benefit plan, enriching the plan, that had the direct impact of increasing our budgetary costs in 2002.

LEG. CARACCIOLO:

And, as I recall, reading that report, I think that had to do with extending the plan benefits to retiree and retiree family members and others; correct?

MR. POLLERT:

That's correct. We had a lot of discussions about that.

LEG. CARACCIOLO:

Right. And, in total, how many members and beneficiaries of members are in the plan?

MR. POLLERT:

Currently, there are about 10,800 employees, but there are about 18,878 covered individuals that includes retirees. With the increase in coverage of spouses, we picked up another 266 enrollees. The problem is, not only did we pick up 266 more, but we lost their COBRA payments to the program, so we lost the revenues for those employees that were covered by the program, but were paying us for it. In addition --

LEG. CARACCIOLO:

Okay. Now, this so this goes to the question of management of the program. Who has the responsibility of managing that program, the Legislature, the Committee, whom?

MR. POLLERT:

It is not the Legislature. I believe it is the Labor Management Committee. The Legislature only has budgetary oversight, and through due diligence, has discussions with respect to what are the expenses, but you don't directly manage the program.

LEG. CARACCIOLO:

So once you identified in 2001 this shortfall, what efforts were made to provide provisions in 2002 and prospectively to deal with those shortfalls? And what consideration was given by the committee, or justification, for expanding benefit -- plan benefits and who -- and how were they to be paid for?

MR. POLLERT:

Last year, during the Omnibus process, the County Legislature did include approximately \$10 million in increased appropriations for 2002.

LEG. CARACCIOLO:

Was that a sufficient amount?

MR. POLLERT:

It was never included in the final Omnibus. Last year, with the participation of the Executive Office, they believe that their numbers

were accurate and Budget Review Office had overestimated the amounts. Therefore, they recommended that those amounts be removed, and the offsets to create those additional appropriations like turnover savings be restored back to what the Executive had recommended.

LEG. CARACCIOLO:

Then let's make the record absolutely clear, because there was a reference earlier that the Legislature had a hand in this shortfall, and that's clearly not what you just indicated.

MR. POLLERT:

It was in the first draft to add appropriations to it in the 2002 Omnibus bill. It was removed from the final Omnibus bill --

LEG. CARACCIOLO:

At whose request?

MR. POLLERT:

Based upon representations of the Executive Office that there were adequate appropriations.

LEG. CARACCIOLO:

Okay. And they would have been close to the scene, if you will, being -- having nine members on an 18 member committee, to decide whether or not there were appropriate appropriations; correct?

P.O. TONNA:

You would think so.

MR. POLLERT:

That would be correct.

LEG. CARACCIOLO:

Okay. Thank you very much.

P.O. TONNA:

All right. Roll call. Oh, no. Sorry, Legislator Haley. All Legislators, please come to the horseshoe.

LEG. HALEY:

Yeah, I'm glad Legislator Caracciolo went through that, because that's what I was concerned about. But, you know, sometimes it seems to me we'd be on the correct side if we went along with every recommendation that BRO made, because, BRO, you did, in fact, make a recommendation that we increase appropriations in that area, did you not?

MR. POLLERT:

Yes.

LEG. HALEY:

Okay. So we, as a body who had the opportunity to provide oversight and review that, decided to believe them at that particular juncture than to believe you guys; is that relatively accurate?

LEG. FISHER:

You could say, "I told you so."

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MR. POLLERT:

Yes.

LEG. HALEY:

"I told you so." All right, he told us so. All right. So you do have a hand in it, we still provide oversight.

The other thing I'm concerned about is a time line. Ken, when we talk about what appears to be increased expenditures in the EMHP, when you develop your budget and you start with -- you start probably, what, in May?

MR. KNAPPE:

June.

LEG. HALEY:

June, okay.

MR. KNAPPE:

In early June.

LEG. HALEY:

June.

MR. KNAPPE:

In this function.

LEG. HALEY:

You have a sense, by the time you finish up in August, of just how far

things may get out of hand with EMHP. As we've moved along through the year, we get it in September 15th. By the time Budget Review has it, they have a little bit more information. And now we are at the end of the year, we have even that much more information, so we're somewhat victim of a time line; is that relatively accurate?

MR. KNAPPE:

Correct, there are times that the Legislature receives the benefits of having the budget process after the County Executive, and they have more information at that time.

LEG. HALEY:

I think we readily admit that, sales tax revenues and the like.

MR. KNAPPE:

That would be correct.

LEG. HALEY:

Okay. Thank you.

LEG. LINDSAY:

Could I?

P.O. TONNA:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Fred, the COBRA benefits, how much money did we lose there, do you have any idea, in total, the COBRA payments?

MR. POLLERT:

Yes, we lost roughly \$1 million a year.

LEG. LINDSAY:

Okay. You know, to my fellow Legislators, I really don't see how we have any choice but to approve this resolution to keep the fund solvent, but something has to be done going into the new year to

address the problems with this fund. And we don't have the authority here, and I, for one, do not feel comfortable if he is just bringing back the bill for the health plan in late December, dumping it in our laps and say, "Pay the bill or it's going to go bankrupt." Nobody wants to see that. But somebody has to look at this problem. You know, what, is it a structural problem here? It just isn't fair to us. And I take that back to the administration and back to the unions that are represented, too. As a group, we have to sit down and look at the whole plan and find out where the deficiencies are.

MR. KNAPPE:

If I could just comment on that. I think some of the conversation I had with Mr. Pollert during this whole process is that, next year, to work more in conjunction with Budget Review just on the housekeeping resolutions themselves, and work more closely with Budget Review as the process unfolds toward the last quarter of the year.

LEG. LINDSAY:

But I think it just goes beyond that. It goes beyond reporting. Somebody has to get a handle on whether we're under funding this benefit we promised. Somebody has to get a handle on the reserves. Evidently, the reserves are very dangerously low if we have to tap other funds this late in the year to pay the bills. There's a structural defect in the fund if we don't have the reserves to pay the bills for accruals. And somebody -- I mean, if we're giving -- I don't know whether we're giving out too generous benefits or we're negotiating too generous benefits, but we don't have a say in that. But, you know, that's something that has to be looked at.

MR. KNAPPE:

Just on top have that, Fred Pollert did mention on the record that the 2003 appropriations, both the Budget Office and Budget Review Office are in agreement that we believe that they are sufficient to carry out throughout the whole year. We were not in that agreement, as Fred just illustrated, before. So, hopefully, that's part of the correctness that you were speaking on.

LEG. LINDSAY:

I'm done, Mr. Chairman.

P.O. TONNA:

Thank you. No, one last question. I just -- you know, it's one of those things. I remember seeing Ghostbusters, is this a good thing or a bad thing, you know. And I would like to ask the question, Fred, if we do not approve this resolution, what happens?

MR. POLLERT:

We would recommend adopting the resolution. Both from a technical grounds, we have checked all the offsets, from practical grounds, in that you don't want to start delaying payments and --

P.O. TONNA:

Of employee benefits, right?

MR. POLLERT:

Yes. And from --

P.O. TONNA:

Delaying benefits.

MR. POLLERT:

And from a programmatic reason, you don't want to start to compromise the doctors who are not going to get paid, and, therefore, may wish to leave the program. The only major cost savings we have is we have a good net of doctors that participate in our program. If we start to, because of cash flow problems --

P.O. TONNA:

That's right.

MR. POLLERT:

-- not make timely payments, those doctors will probably want to migrate out of the program. We -- it is, in my estimation, important that this resolution be favorably considered by the Legislature.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Just wait. Let me finish my line of questioning and then -- okay? My concern, okay, is that I understand that some Legislators are saying, you know, a little chaos isn't a bad thing, or whatever else. I would make an appeal to all here to say the one place you do not want to mess with -- we have ample opportunities to hold people accountable. The one place you do not want to hurt --

LEG. BISHOP:

You never hold anybody accountable.

P.O. TONNA:

That's not absolutely true. I'm going to hold you accountable in about five seconds in the back room. Oooh. I'm joking, Dave. Anyway, my point is -- my point is the one place we do not want to mess is with people who need benefits, people who are sick, people who have to deal with doctors; all right? This is serious stuff. This isn't even ditching for mosquitoes, this is employee benefits. And I urge my colleagues, please, approve this resolution. Thank you. Legislator Caracciolo. Can we just go roll call?

LEG. CARACCIOLO:

No, no.

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P.O. TONNA:

No, you have one?

LEG. BISHOP:

One question, Paul, to Budget Review.

LEG. CARACCIOLO:

Mr. Chairman, you raised some very valid issues and concerns, as did Legislator Lindsay, and somewhere between those two voiced concerns, one has to ask the question. A problem has developed, this is an attempt to fix it. But, to get back to Legislator Lindsay's point, which I think is a very valid one, who, what, when, where, and how is going to be held accountable for this very significant impact on County finances? You just look the other way and say, "Let's put a rubber band on it and fix it and pay the bill"? Is that the beginning and end of it, right here, right now?

P.O. TONNA:

I don't think so.

LEG. CARACCIOLO:

Well, answer the question, then.

P.O. TONNA:

You're asking me a question, so can I answer it?

LEG. CARACCIOLO:

What steps do you intend, or any member of the Legislature, to deal with this problem? This is not a problem that's going away.

P.O. TONNA:

Right. And this is what I would say.

LEG. BISHOP:

Yeah, what, Paul?

P.O. TONNA:

Please. Day two. Anyway, here is -- I would say three different things. It would be similar for me, as -- to use a medical metaphor, it would be similar to me, as somebody who just had --

LEG. CARACCIOLO:

I know, you want to stop the bleeding right now.

P.O. TONNA:

Yeah, I want to stop the bleeding right now. We have a committee that is looking, led by the Finance Committee.

LEG. CARACCIOLO:

And what about some preventive maintenance, Mr. Chairman.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

That's my point.

P.O. TONNA:

Well, I think that's -- Legislator Caracciolo, I think the same thing goes with almost anything. When we see that there's a problem, we've ascertained today in the questioning that we have that this is not a problem that we created. Okay? As a matter of fact, in your line of questioning, some of this was actually things that we couldn't even vote on, right? We said that with a 9-9 group of people. So my

concern is let's stop the bleeding, make sure that the people who are not responsible for this, which are the employees of this County, their families, their children, or whatever else, can get the health care coverage that they need. And then now we have to put our corporate heads together and say, "Okay, who's held accountable, how do we put in certain things into place that make sure that this type of thing doesn't happen again?"

Legislator Haley's point about the \$10 million, I think it was about \$10 million, is germane in the sense that, yeah, Legislators who voted for the Omnibus budget, which I was one of them, decided that Budget Review's policy recommendation to put \$10 million into that fund, you know, I didn't follow that policy recommendation. And so, even though we can hold the County Executive --

LEG. BISHOP:

The Executive told us it was fine.

LEG. BINDER:

Yeah, but we have --

P.O. TONNA:

I understand that. I understand that.

LEG. HALEY:

That's why I voted against that Omnibus.

P.O. TONNA:

Oh, yeah, sure, sure. But, anyway, so all I can say is that I think that the Legislature isn't somebody who just reacts, we have to be proactive. But, clearly, it's our responsibility to do the right thing today and not forget, and let's try to plan for tomorrow.

LEG. CARACCIOLO:

You know, I love the attempt of this Legislature to constantly plug the hole after the -- you know, the dam's burst. But that's part one. Okay? You want to take care of your responsibilities --

P.O. TONNA:

Today.

LEG. CARACCIOLO:

-- that's understandable. But I have yet to hear how this issue is going to be fully addressed, so that a year from now --

P.O. TONNA:

Right.

LEG. CARACCIOLO:

-- we're not around this horseshoe wondering how we're going to fix another 10, 15, 20 million dollar hole.

P.O. TONNA:

Well, I would honestly say that, from my standpoint, there would probably be three things that I'd look to. One is what are the legal actions that we can take as a Legislature passing laws, bills, or whatever else, that reins in certain policies, certain spending procedures, or whatever else. Secondly is we'd have to look at, from a budgetary standpoint, what do we need to do to forecast? We have a projected, as Legislator Bishop said, I think a 40 million dollar potential hole for 2004, right?

LEG. BISHOP:

Uh-huh.

P.O. TONNA:

So what are we going to do about that?

LEG. BISHOP:

Because of this.

P.O. TONNA:

We have to address that, so we don't address --

LEG. BISHOP:

Just because of this.

LEG. CARACCIOLO:

Let me raise the same question to Counsel.

LEG. BISHOP:

It's true.

LEG. CARACCIOLO:

Counsel, given your knowledge of this issue, what recommendations would you make, aside from the immediate one of paying the bill, to make certain that we're not sitting here a year from now with a

40 million dollar unpaid bill? What steps can we take? What policy action can the Legislature take?

P.O. TONNA:
Binder has that answer.

LEG. HALEY:
Yeah.

LEG. BINDER:
I filed the bill, don't worry about it. It's ready to go.

LEG. CARACCIOLO:
Counsel.

MR. SABATINO:
There's no single bill that you could adopt. I mean, to a large degree, it's a lot like yesterday's events with the million dollars and the missed deadlines. It really comes down to -- it really comes down to developing a strategy of accountability, and that really involves the oversight function. The problem is that you can't pass a bill to do that, you really -- I mean, there are things that you can do, but, you know, they're not legal strategies, they're governmental strategies in terms of trying to bring -- for example, in the case of the 18 member board, you know, to try to bring -- to try to bring some accountability there through oversight.

LEG. CARACCIOLO:
Can that board be reconfigured?

MR. SABATINO:
It can't be done by -- it can't be reconfigured at this juncture by Legislative resolution. But, for example, I mean, you can call on the County Executive to reconfigure his component of it. That's not a legal action, that's a governmental action. You could say -- as Legislators, you could say we're dissatisfied with all the information

you just received, the course of events, and, you could -- you know, you could make a suggestion or you could make an urgent request, saying, you know, "I, as a Legislator," or "We, as Legislators, believe that that should be changed or reconfigured. That's something that you can do to exert pressure.

I mean, another possibility, something I had discussed with several Legislators who have asked the same question is that maybe to try to reconfigure the second aspect of it, which is that, although the unions would be negotiating the package of benefits, of health benefits, I should say, with the -- you now, with Labor Relations, but instead of having the 18-member board be the administrators of it, you know, really put that function in Insurance and Risk Management, which would -- or some comparable unit, Human Resources, or whatever, because, I mean, that would be a more normal situation where you'd have bureaucrats administering, but you'd have this Labor Management Committee negotiating.

I think one of the things that's been blurred over the last decade is that the normal lines of demarcation, which is that administrators administrate, and union representatives and Labor Relations people negotiate has been blurred to some extent. I mean, my own view is that the administrator should be doing the contracts and the implementations. I mean, that's something you could look at.

I mean, something else that was suggested was, you know, trying to put some kind of a budgetary appropriation limitation on what the package would be of available funds, basically saying that you can negotiate within some -- you know, some dollar appropriation for the health benefits. Those are the kinds of things you could look at, but there's no single direct Legislative action that can unilaterally, unilaterally change what occurred.

LEG. CARACCIOLO:

Are we prohibited, would it be considered interfering in the negotiation process if you did that, if you put a cap on health

insurance plan benefits?

MR. SABATINO:

If you -- one of the problems that appears to have occurred in the past is that there's not a -- going into that process of, you know, negotiating the benefits, normally, under Taylor Law, because it involves the expenditure of money, you would expect that to come back to the Legislature for approval. For some reason, the one that was done in 2001 never came back, even though the Taylor Law says that when you're doing something that involves the necessity of appropriating money, you're supposed to get legislative approval. So, given the fact that that normal process didn't work, the only thing I can think of is say that you would at least put people on notice that this is what the Legislature considers to be, you know, a reasonable amount of money that's available.

LEG. CARACCIOLO:

Well, the action you just cited, 2001, did that violate any law, local law?

MR. SABATINO:

My view is that it circumvented the -- it circumvented the Taylor Law. The problem is, because now, here you are two years later, is that because its part of the -- you know, it's part of the budget, the acquiescence may be viewed as retroactive approval. But, I mean, clearly, the package of appropriations should have been subject to approval.

LEG. CARACCIOLO:

Well, I still haven't heard a solution to a 40 million dollar looming problem.

MR. SABATINO:

There's no legislative -- there's no single legislative solution. That's what I was trying to get across to you. I mean, it's really -- it's really more administrative type things. The ideas that I suggested are things you could do, but not directly.

P.O. TONNA:

Can we vote on this?

LEG. CARPENTER:

Yes.

LEG. FISHER:

Yes.

P.O. TONNA:

Legislator Bishop, can we vote on it? I think --

LEG. CRECCA:

Legislator Bishop and I -- if you call a roll call, then -- oh.

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P.O. TONNA:

Roll call.

LEG. BISHOP:

Yes, we could vote on it.

P.O. TONNA:

All members, please come to the horseshoe. Roll call.

MR. BARTON:

On the CN.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Pass.

P.O. TONNA:

All Legislators --

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

LEG. BISHOP:

Because they said there's nothing you can do about it anyway, BRO.

LEG. COOPER:

Yes.

LEG. BINDER:

Sure. Yes.

LEG. CRECCA:

I think we should hold --

P.O. TONNA:

Wait, wait, wait. There's some --

LEG. CRECCA:

Legislator Lindsay is on his way into the chamber and --

P.O. TONNA:

Which chamber?

LEG. BISHOP:

Oh, no, that's the luck of the draw.

P.O. TONNA:

Come on. Legislator Cooper, did you vote?

LEG. COOPER:

I voted yes.

LEG. BISHOP:

Call the vote, let's go.

LEG. HALEY:

You have to apply the same rules.

P.O. TONNA:

All right.

MR. BARTON:

Legislator Lindsay?

LEG. FIELDS:

He's not here.

MR. BARTON:

Okay.

LEG. BISHOP:
Stop, Paul. Come on.

P.O. TONNA:
Go ahead.

LEG. BISHOP:
You did it to --

P.O. TONNA:
Call the vote, Henry.

LEG. BISHOP:
-- Jon's vote.

MR. BARTON:
15, 3 not present. (Not Present: D.P.O. Postal, Legs. Towle and Lindsay)

P.O. TONNA:
Thank you. Okay.

The next one, and this is kind of like --

MR. SABATINO:
Before you do that, Mr. Chairman, you have to --

P.O. TONNA:
We have to do 2275.

MR. SABATINO:
-- do 2275 because they're in sequence, you jumped off the agenda.

P.O. TONNA:
Okay. I make a motion to approve 2275, seconded by Legislator Bishop.

LEG. FOLEY:
Title? The title?

P.O. TONNA:
The title is authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2002 Adopted Discretionary Budget.

LEG. FISHER:
Did we do 2274?

P.O. TONNA:
No, we're going to get back to that, you have to go in sequence;

that's what our Legal Counsel just said.

LEG. CRECCA:
On the motion.

LEG. FISHER:
2275 you're looking at?

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P.O. TONNA:
On the motion. This is 2275.

LEG. FISHER:
I don't have that.

P.O. TONNA:
Page 15.

LEG. FISHER:
Oh, it's on the agenda.

MR. SABATINO:
We jumped off it last night to go to 74, we should have done the CN at that point but we jumped off so now they're in sequence again.

P.O. TONNA:
All right?

LEG. CRECCA:
On the motion.

P.O. TONNA:
Yes, Legislator Crecca.

LEG. BISHOP:
Andrew, please, let's go.

LEG. CRECCA:
Fred, is this the usual housecleaning bill that we deal with at the end of the year to balance out accounts?

MR. POLLERT:

Normally at the end of the year there is a housekeeping resolution, this is different than what the County used to do years ago in that it does not also include blanket authority for the Comptroller to transfer funds to meet payroll and other expenditures. This is very specific listing very specific line items that are short of appropriations and shows specifically where the funds should be coming from. It is primarily transfers from two major areas, one that is contingent on personnel to cover costs in the Police Department and the Sheriff's Department. The contingent account was to be distributed for salary adjustments to be negotiated and then there is a reallocation of funding within the Department of Health Services to a variety of different contract agencies.

P.O. TONNA:

Okay. Up, sorry; Legislator Crecca, I'm sorry I interrupted you, go ahead.

LEG. CRECCA:

That's okay. Budget Review recommends the passage of this bill, right?

MR. POLLERT:

The Budget Review Office looked at the offset amounts and agrees with

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the offset amounts and we have also looked at where the funds are going to and they appear to be reasonable.

P.O. TONNA:

Okay.

LEG. CRECCA:

Thank you, Mr. Chairman.

P.O. TONNA:

Motion and a second; there's already a motion and a second. All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Thank you. Legislator Lindsay, I think there's a motion to reconsider so that he can vote with the majority which was everybody, seconded by myself. All in favor? Opposed?

LEG. CRECCA:

On what bill?

P.O. TONNA:

On 2341, okay? All right, now that that's in front of us, there was a motion and second, motion by myself, second by Legislator Bishop. All in favor? Opposed? Approved.

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

Okay, now we go to 2274 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2002 Adopted Mandated Budget. Motion by myself, second by Legislator Foley.

LEG. CRECCA:

On the motion.

P.O. TONNA:

On the motion.

LEG. CRECCA:

Again, same questions, Fred, on this one. Now, this is being done by a CN because there were some changes made to it since then; can you tell us the same question that I asked on 2275?

MR. POLLERT:

Yes. The Budget Review Office looked at the offsets. In addition to that, because the transfers are not just being made within the mandated side of the budget, I signed a certification together with a representative of the Budget Office that we have reviewed all the transfers and that the transfers from the Discretionary to the mandated side are required, the largest increase is in the areas of Handicapped Children's Maintenance Programs, \$5.1 million in Medicaid

and \$1.4 million in Family Assistance, those were, for the most part, reflected in the estimated column of the 2002 Operating Budget.

LEG. CRECCA:

Thank you. Mr. Chairman, I ask that you call the vote.

P.O. TONNA:

Yes. There's a motion and a second. All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Okay, now we go to 2273, page 16 on your agenda.

LEG. FISHER:

Mr. Chairman, we passed over 2235, we really need to get back to that.

P.O. TONNA:

I have four bills.

LEG. FISHER:

Yeah, but 2235 and 2236.

P.O. TONNA:

Let's get these bills done, in ten minutes we're to be there. What bills?

LEG. BISHOP:

You have other CN's.

P.O. TONNA:

Oh, okay. Oh, sorry Legislator Bishop, I see your name on it now.

2301 - A Local Law to grant temporary exemption to the Living Wage Policy for child care agencies and to implement financial assistance. Motion by Legislator Bishop, seconded by myself. All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Thank you very much.

Now we will move -- Legislator Fisher, I will quickly move -- I don't think there's anything here controversial.

LEG. FISHER:

You never know.

P.O. TONNA:

Well, let's just try to get this and then we'll have time for just those two bills and then we're out of here.

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2273 - Accepting a donation from the American Lung Association of Nassau-Suffolk to the Department of Health Services, Division of Patient Care (County Executive). Motion by myself, seconded by Legislator Foley. All in favor? Opposed?

LEG. FOLEY:

What page? What page?

P.O. TONNA:

Sixteen.

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Thank you very much.

Parks, Sports & Cultural Affairs:

2059 - Establishing taxpayer protection policy for use of County residences (Fields). Motion by Legislator Fields. Seconded by?

LEG. ALDEN:

Second.

P.O. TONNA:

By Legislator Alden. All in favor? Opposed?

LEG. BINDER:
Hold on. Explanation.

LEG. CRECCA:
Explanation.

P.O. TONNA:
This is expanding Taxpayer Protection Policy for the use of County residents.

LEG. CARACCIOLO:
Explanation.

LEG. CRECCA:
Counsel.

P.O. TONNA:
Counsel?

MR. SABATINO:
Okay, this legislation will change -- this legislation will change the current law which is on the books that provides for park facilities that are being rented out that are currently at \$450, this will change it to fair market value plus utilities.

The second change is that the law currently states that Park employees are the individuals who reside in these residents, this statute will change it to an order of priority where Park Rangers/Deputy Sheriffs would be first priority, then it would go to Parks employees as second

category, and then the third category would be general County employees. So those are the two fundamental changes.

LEG. CARACCIOLO:
Question on the fair market value.

P.O. TONNA:
On the motion.

LEG. CARACCIOLO:

How is that to be determined?

MR. SABATINO:

That's to be determined by the County Division of Real Estate.

LEG. CARACCIOLO:

And they have a schedule? I mean, they know what real estate we own, do we have an idea of how much additional revenue this will generate?

MR. SABATINO:

We budgeted a conservative amount in the Operating Budget for 2003.

LEG. CARACCIOLO:

Well, maybe we could have the Division Director come up and answer some questions. It was asked --

P.O. TONNA:

Hello.

LEG. CARACCIOLO:

Good afternoon, Christine.

P.O. TONNA:

Legislator Caracciolo has a question about Resolution No. 20 --

LEG. HALEY:

Legislator Levy?

P.O. TONNA:

No, Caracciolo. 2059. Legislator Caracciolo, you have a question?

LEG. CARACCIOLO:

I would consider that a compliment, by the way, Marty.

LEG. FOLEY:

Very good, Michael. Very good.

LEG. GULDI:

Yeah, you would.

LEG. CARACCIOLO:

That's Senator Norm Levy.

P.O. TONNA:

Oh, okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Good afternoon, Christine. Have you had an opportunity to review this resolution? And if you have, could you give me some sense of what type of additional revenue of and what methods you would be using to try to generate the additional revenue under this fair market value scheme?

DIRECTOR COSTIGAN:

I have seen the resolution. We don't have any kind of a capsulation of value yet but we've already started looking at the properties. It's our notion to try and do this with the Certified General Appraiser from the staff.

LEG. CARACCIOLO:

And how long --

DIRECTOR COSTIGAN:

We've only gotten the assignment last week, so I have no number for you yet.

LEG. CARACCIOLO:

Do you have a sense of how long it might take to do that, conduct that review?

DIRECTOR COSTIGAN:

I know Parks was going to send us the -- they had an inventory of the properties this size and generally the inventory that they had done, I haven't got that yet.

LEG. CARACCIOLO:

Would you be in favor of this resolution?

DIRECTOR COSTIGAN:

If you want me to value it I'll value it; you've got to figure out if you want to do it.

LEG. CARACCIOLO:

Ah, that was a political answer for you.

P.O. TONNA:

I think that was a straight up answer.

LEG. CARACCIOLO:

Sounds like a duck to me, but go ahead. Thank you.

P.O. TONNA:

Okay, thank you. You'll be back up.

LEG. FOLEY:

Very good, Chris.

P.O. TONNA:

2059, there's a motion and a second. All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

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P.O. TONNA:

Thank you.

LEG. FOLEY:

Very good.

2155 - Modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund (Cooper). Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Towle & Postal).

2280, 2280A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with improvements to County golf courses (CP 7166) (County Executive). Motion by Legislator Fields, seconded by Legislator Cooper.

LEG. CARACCIOLO:

On the resolution.

P.O. TONNA:

On the resolution

LEG. CARACCIOLO:

Just what are the improvements and where?

LEG. HALEY:

Motion to shoot Legislator Caracciolo.

LEG. GULDI:

Second.

LEG. FIELDS:

Second.

LEG. FOLEY:

It is duck hunting season from what I understand.

P.O. TONNA:

We don't have Legislator --

LEG. CARACCIOLO:

You sure you don't want Levy now?

P.O. TONNA:

Wait, wait, we don't have Legislator Towle here. Great.

LEG. CRECCA:

Levy's looking really good right now.

LEG. FISHER:

We have Guldi.

P.O. TONNA:

Legislator Guldi can do it, but there would be, what, smoke burns?

MR. SABATINO:

The improvement is construction of --

LEG. CARACCIOLO:

Oh, I don't know about that, Joe. I'm a little bit too far away from

George.

MR. SABATINO:

The improvement is to construct a golf cart path at Timber Point Golf Course and the offset is coming from Sewer District No. 3 Sewage Treatment Facility.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Okay, thank you very much. There's a motion and a second. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

LEG. BINDER:

I said no.

MR. BARTON:

You said no, okay. Legislator Crecca?

LEG. CRECCA:

No.

P.O. TONNA:

I said yes.

MR. BARTON:

13, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Thank you. Same motion, same second, same vote.

2281, 2281A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with improvements to historic sites and buildings - Meadowcroft Auto House (CP 7510) (County Executive). Motion by Legislator Fields, second by Legislator Carp --

LEG. FOLEY:

Lindsay, he's in Sayville.

P.O. TONNA:
Lindsay. Roll call.

(*Roll Called by Mr. Barton, Clerk*0

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

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LEG. NOWICK:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

P.O. TONNA:

Yes.

LEG. CRECCA:

No.

LEG. CARACCIOLO:

No.

MR. BARTON:

13, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Yes. Same motion, same second, same vote.

2282, 2282A - Amending the 2002 Capital Program and Budget and appropriating funds in connection with improvements to historic sites and buildings - Timber Point Golf Course Clubhouse (CP 7510) (County Executive). Motion by Legislator Fields, second by Legislator Alden.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

13, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Same motion, same second, same vote.

2299 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with modification for compliance with the Americans With Disabilities Act (ADA) at the Suffolk County Vanderbilt Museum (CP 7450) (County Executive).

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LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Cooper, seconded by Legislator Foley.

(*Roll Called by Mr. Barton, Clerk*)

LEG. COOPER:
Yes.

LEG. FOLEY:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

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MR. BARTON:

15, two not present (Opposed: Legislator Caracappa - Not Present: Legislators Towle & Postal).

P.O. TONNA:

Okay, we still have more stuff so just don't anybody get up yet.

2302 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with restoration of Smith Point County Park (CP 7162) (County Executive).

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Foley, seconded by --
LEG. FISHER:
Second.

LEG. HALEY:
I'll second it.

P.O. TONNA:
Seconded by Legislator Haley. All in favor? Opposed?

MR. BARTON:
16, two not present (Not Present: Legislators Towle & Postal).

P.O. TONNA:
Okay. I have a Bond Resolution, it needs a vote, 2055A, this is a resolution authorizing the issuance of \$20,000 in serial bonds for the County of Suffolk, New York, to pay the cost of the acquisition of Normandy Manor. All right? This is --

MS. BURKHARDT:
We already did the bill.

MR. BARTON:
You did it last night.

P.O. TONNA:
We did the bill, now this is the Bond. There's a motion by Legislator Cooper --

LEG. COOPER:
Motion.

P.O. TONNA:
-- seconded by Legislator Binder. No, we did not do the bond -- bond. The Binder; we didn't do the Binder.

LEG. LINDSAY:
Why wasn't the bond with the bill?

MR. BARTON:
Because it had been tabled and we carried it over --

P.O. TONNA:

You mentioned it last night, we didn't get it done, that's what Henry tells us. Roll call.

LEG. CRECCA:

We still have to do late-starters, right?

P.O. TONNA:

Yes. We've got more to do, and we still got Legislator Fisher's bills.

(*Roll Called by Mr. Barton, Clerk*)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:

Yes.

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LEG. CARACCIOLO:

No.

LEG. TOWLE:

(Not present).

P.O. TONNA:

Yes -- oh, no, no, no, no. Count me as a no.

LEG. FISHER:

Okay.

LEG. ALDEN:

Henry, I passed.

MR. BARTON:

Oh, I'm sorry, yes, you did.

LEG. ALDEN:

No.

MR. BARTON:

Legislator Alden, no. Eleven, the bond.

LEG. GULDI:

The resolution passed and the bond failed?

LEG. CARACAPPA:

Yep.

LEG. FISHER:

We could do it but we don't have money for it.

P.O. TONNA:

All right. What does that mean?

MR. BARTON:

It means -- It means, I don't know.

P.O. TONNA:

Legislator -- I mean, Legal Counsel, Paul Sabatino, what does that mean?

MR. SABATINO:

It means that bonds can't be issued for the balance.

P.O. TONNA:

Okay, pay-as-you-go, any way. Can they do it as part as pay-as-you-go?

DIRECTOR COSTIGAN:

This is a Capital Project.

MR. SABATINO:

It was --

P.O. TONNA:

Okay. Christine, go ahead.

DIRECTOR COSTIGAN:

May I? This expenditure has nothing to do with the acquisition, we already own that Normandy Manor. This was a tax bill that came due during the pendency of the negotiations so that it's essentially an adjustment at closing, that's why there's additional monies due.

P.O. TONNA:

Okay. Is there any other way to get funding for this besides bonding

for it?

DIRECTOR COSTIGAN:

I know of none and that is a Capital Project, I have nowhere else to take it from.

LEG. HALEY:

Let me -- quick question? If we don't pay the tax bill, then we have to pay the tax bill, right?

LEG. GULDI:

You got it.

LEG. HALEY:

Okay.

LEG. GULDI:

That's precisely it.

DIRECTOR COSTIGAN:

No, we have to -- the seller paid the tax bill, we have to --

LEG. CRECCA:

It's an adjustment to the seller.

DIRECTOR COSTIGAN: :

It's an adjustment to the seller.

LEG. GULDI:

Yeah, but --

LEG. CRECCA:

How much is it, Christine?

DIRECTOR COSTIGAN:

The actual bill is 11,000 and change.

LEG. CRECCA:

We're bonding this \$11,000?

DIRECTOR COSTIGAN: :

We're bonding 20,000 because we have another tax bill coming due and we want to pay the first half of next year.

P.O. TONNA:

Well, it goes to committee, we'll discuss it in committee. Eleven votes goes to committee, all right? Thank you.

LEG. BISHOP:

We'll take care of it in committee.

LEG. FOLEY:

Mr. Chairman, we need a vote on the bond for 2302.

P.O. TONNA:

What?

LEG. FOLEY:

We just voted on 2302, the Smith Point County Park resolution, but the bond wasn't -- well, the bond is here but it wasn't on the agenda.

P.O. TONNA:

Okay. So I make a motion to approve 2302A.

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Seconded by Legislator Foley. Roll call.

LEG. FOLEY:

2302.

(*Roll Called by Mr. Barton, Clerk*)

P.O. TONNA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

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LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

16 (Not present - Legislators Towle & Postal).

P.O. TONNA:

All right, there we go.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Wait, wait, now we have just three other small little things to do and then we're going to get to the mother of all bills.

2340 - Authorizing the Finance and Financial Services Committee of the Suffolk County Legislature to issue subpoenas in connection with the Suffolk County Employee Medical Health Plan (EMHP). There is a motion for 2340, these are late starters, to waive -- motion to waive the rules and lay on the table 2340, 2342, okay, and assign them both to Finance. Motion by myself, seconded by Legislator Crecca. All in favor? Opposed? Just assign them to committee.

And then finally, I have motion, a Sense Resolution, motion to lay on the table and approve, this is a Memorializing Resolution requesting the State of New York to increase rental allowances for the homeless. We have been dealing with this in the department or the Committee of Social Services where somehow people in welfare motels get more money, the motels get more money than putting people in actual shelters and, you know, other situations. So it's a memorializing resolution for the State to look at this issue.

LEG. FOLEY:

Second the motion.

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P.O. TONNA:

Okay, second by Legislator Foley. All in favor? Opposed?

LEG. CRECCA:

Mr. Chairman, before we --

LEG. BINDER:

Cosponsor.

P.O. TONNA:
Okay, cosponsor Legislator --

LEG. ALDEN:
Cosponsor.

LEG. FIELDS:
Cosponsor.

LEG. CRECCA:
Point of order.

P.O. TONNA:
Cosponsor -- yeah. Wait, wait, just let me finish this, get the vote. There's a cosponsor, Legislator Binder, Legislator Fields, Legislator Alden. Thank you.

LEG. CRECCA:
Mr. Chairman, point of order?

P.O. TONNA:
Okay, point of order, yes.

LEG. CRECCA:
On the late starters that we just approved?

P.O. TONNA:
Yeah.

LEG. CRECCA:
Are they eligible for a vote at the Organizational Meeting?

LEG. CARPENTER:
Cosponsor for the last one.

P.O. TONNA:
No, we've never done that in the past.

LEG. CRECCA:
Okay.

P.O. TONNA:
Oh, they are? Okay. I would just make my appeal. I guess they are.

LEG. CRECCA:
One of them is time -- one of them is somewhat time sensitive and

actually I would submit both of the late starters that I sponsored are. But they would be eligible --

LEG. HALEY:

Don't worry about it, I will take care of it.

P.O. TONNA:

All right. Anyway, there we go. Thanks, Legislator Crecca, for bringing that point so that I can get ribbed on a thousand other issues that we're settling. Okay, here we go, two more bills and the Sense Resolutions, page 18.

Sense 75-2002 - Memorializing Resolution requesting the State of New York to reject any proposed reinstatement of New York City Commuter Income Tax (Lindsay). Motion by Legislator Lindsay for Sense 75, seconded by myself. All in favor? Opposed?

LEG. CRECCA:

Cosponsor.

LEG. BINDER:

Cosponsor.

LEG. CARACAPPA:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

LEG. HALEY:

Cosponsor.

LEG. COOPER:

Cosponsor, Henry.

P.O. TONNA:

Sense 77-2002 - Memorializing Resolution requesting the State of New York to amortize municipal pension costs (Foley). Motion by Legislator Foley, seconded by myself. All in favor? Opposed?

MR. BARTON:

16, two not present on both (Not Present: Legislators Towle & Postal).

P.O. TONNA:

Now we go to page 15 and I would ask as we look at this -- these two bills, there was a lot of discussion last night. As a matter of fact, there was over an hour-and-a-half I think spent on discussing this issue last night; we made those points last night. So I would ask, does somebody have a question? Legislator -- I think Legislator Caracciolo.

LEG. FISHER:

I just wanted to ask Henry; Henry?

MR. BARTON:

Yes?

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LEG. FISHER:

I have a motion to approve on 2235? And there's a second.

LEG. FOLEY:

I think I seconded the motion.

MR. BARTON:

Yes, Fisher/Foley.

P.O. TONNA:

Okay. 2235 - To more fully identify parcel acquired under Greenway's Farmland Development Rights Program at Sherwood-Jayne Residence, East Setauket (Town of Brookhaven) (Fisher).

Now, Legislator Caracciolo had some questions. I'm looking at the appraisal review continuation; Christine, can you --

LEG. FISHER:

Christine Costigan came here to answer questions.

P.O. TONNA:

Right. I have in front of me the Department of Planning, Division of Real Estate Appraisal Review, okay. I think it's -- I want to make sure this is the review of the track of land, the Long Island Antiquities, Society for the Long Island Antiquities. I just -- Legislator Caracciolo brought up and I just -- you're familiar with the review, right?

DIRECTOR COSTIGAN:

Yes. You're dealing with the review dated September 12th of '02.

P.O. TONNA:

Right. Can you just read the last -- this is all new to me; I'm learning about this stuff in Newsday, believe it or not, I didn't -- you know, there are some things that I didn't know that went through the process.

DIRECTOR COSTIGAN:

I don't think you should take that to be the best lesson.

P.O. TONNA:

Right. So I'm going to ask you to help me with my -- you know, it will be a didactic moment for you to teach me. What does the last paragraph mean, can you read it and just tell me what that means? Page two.

DIRECTOR COSTIGAN:

The last paragraph, page two --

P.O. TONNA:

Besides the information contained in Mr. Wood's report.

DIRECTOR COSTIGAN:

Yes. There are -- you mean what is the subdivision analysis versus raw land?

P.O. TONNA:

"There are inconsistencies and disjointed flow of information, this does not lead one to have confidence that the conclusion of a value is

reasonable and defensible. Another primary reason why Appraiser Woods appraisal is rejected in that he has not personally verified any of his sales; this is contrary to his standard contract with the County." What does that mean?

DIRECTOR COSTIGAN:

I don't know what he was employing there. We checked with Appraiser Veech and he sent us documents which indicated that he had verified his sales and satisfied me as to that point. So I honestly don't know what he implies by that sentence.

LEG. CARACCIOLO:

Mr. Chairman, would you suffer an interruption?

P.O. TONNA:

Yeah, I just -- yes.

LEG. CARACCIOLO:

Okay. Christine, for the benefit of the members of the Legislature, I'm not on E&E -- well, it's not E&E anymore, it's Environment, Land Acquisition could you just summarize how many appraisals Frederick Wood has conducted for the County let's say in the last 24 months?

DIRECTOR COSTIGAN:

No.

LEG. CARACCIOLO:

Would it be one, would it be a dozen?

DIRECTOR COSTIGAN:

I don't know the number; it would be a dozen I think, yes.

LEG. CARACCIOLO:

Okay. It seemed to me, Mr. Chairman, that this name comes up with regularity; in fact, it came up in a couple of the -- a few of the Newsday stories that you alluded to earlier. And what would be very troubling to me is, in fact, when you look at that conclusion -- and I think this was Mr. Taibbi that wrote the review appraisal?

DIRECTOR COSTIGAN:

He did sign the appraisal, yes, the review I mean.

P.O. TONNA:

He works for the County, right?

LEG. CARACCIOLO:

That's correct, he's a Review Appraiser.

DIRECTOR COSTIGAN:

He's actually an Appraisal Reviewer.

LEG. CARACCIOLO:

When Mr. Taibbi says something along the lines, very directly as he

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did in this report, this does not lead one to have confidence that the conclusions of value is reasonable and defensible. We have a contradiction because as the Director implied, or stated not implied, she had an opportunity to speak to the appraiser for Frederick Wood; I think that's correct, right, Christine?

DIRECTOR COSTIGAN:

No, I didn't speak to him, we wrote to him and asked him for verification and he sent it.

LEG. CARACCIOLO:

Okay. But in effect, he did send it and that --

P.O. TONNA:

Hold it one second, Legislator Caracciolo, you're speaking -- I would ask Legislators, please, we have two bills left for the whole year; please. Thank you.

LEG. CARACCIOLO:

You know, let me just underscore again, Mr. Chairman. For those who think the Newsday series is all about Robert J. Gaffney, Allen Grecco and the Division of Real Estate, you're wrong, it's about the County of Suffolk. And you as elected officials have and you has as elected officials have every bit as much responsibility as those appointed individuals.

LEG. CARACAPPA:

Duly noted.

LEG. CARACCIOLO:

This is not a laughing matter, this is very serious business. This is at the essence of what you're elected to do, review and make sure that your fiduciary responsibilities are fulfilled. So when we have a contradiction, as we do, where the Division Director requested information, received it and seems to be in order and then we have a

Review Appraiser in the division who comes to an entirely different conclusion, that is very, very problematic, unless I'm missing something.

DIRECTOR COSTIGAN: :

If you will, Mr. Caracciolo, the Appraisal Reviewer, I wouldn't go so far as to say he came to an entirely different conclusion. He indeed valued the property above the appraiser, he felt the property was worth more than Mr. Veech thought it was worth.

LEG. CARACCIOLO:

And what does he use to substantiate that position; how does Mr. Taibbi reach that conclusion?

DIRECTOR COSTIGAN:

You have his review in front of you.

LEG. CARACCIOLO:

It doesn't state, that to me is also very troubling. We have a document that says what you should pay and I believe this property is worth three point, what was it, six million dollars.

LEG. FOLEY:

Three point eight -- no, I'm sorry.

LEG. CARACCIOLO:

Three point six million dollars, but yet he doesn't share with us how he got there; isn't that what a review appraisal should be about? The question is for Mrs. Costigan.

DIRECTOR COSTIGAN:

We have -- indeed we have three appraisals on this property, there was a third appraisal done by the town which under the new 425 we are permitted to consult but not rely on, and that appraisal too was above the price for which we're paying for the property. I can't tell you exactly what Mr. Taibbi relied on. I can tell you that three appraisals and his valuation all reached numbers at or above the number that we're paying for this property.

LEG. CARACCIOLO:

In your experience, would you consider this good work product for a Review appraiser?

DIRECTOR COSTIGAN:

I think it's adequate, I wouldn't call it good.

LEG. CARACCIOLO:

What's interesting, I have copies which I'll distribute -- if the Clerk would, please -- of Mr. Taibbi's Review Appraisal of Oak Beach Inn; it is very complete, it is very thorough and it is very direct, and let me just read to you on the very first page, and you'll have a copy in a moment.

P.O. TONNA:

The one thing, Legislator Caracciolo, if you can just suffer an interruption, some Legislators have just asked me and I think -- could you make the argument of how one is germane to the other?

LEG. CARACCIOLO:

Well, very simply. First of all, we're talking about a County employee who has a very important responsibility to justify why the County should purchase this property and at a value of \$3.6 million which I don't see any evidence of in this review appraisal. Second, staying with the same Review Appraiser who spent a lot of time reviewing the property at Oak Beach Inn and I think prepared a six page report as I remember, seven page report of which you now have a copy of. And I would draw your attention to page two where there's a little star on the left where he concludes after reviewing the appraisal report and speaking to the appraiser on two occasions, and the dates are noted, meeting with the Town of Babylon Director of Planning, inspecting the subject property which the appraisal on the current acquisition doesn't even tell me if he went to look at this property.

DIRECTOR COSTIGAN:

It's on the front page, it says that he did.

LEG. CARACCIOLO:

All right. "The subject property in all comparables, this reviewer has no alternative than to reject the appraisal report in its entirety, " and then he goes on the elaborate why. I mean, OBI was very interesting, apparently the appraisers in that instance which was, again, Frederick Wood -- if you notice at the top, I circled in blue Frederick Wood was involved in that -- that, you know, they went to Long Beach and were trying to make the case for comparisons of condos that had no parallel at OBI.

But my point is simply this, you're dealing with a process that -- and one would think after what happened a year ago to the previous Division Director that there would be all kinds of checks and balances and safeguards so that when any work product came to this Legislative body for review and consideration, it would be very comprehensive, very complete and clearly identify and justify what -- I don't see one shred of evidence in any of the appraisals why we should buy this property, why we should buy this property; just that we think it's worth X amount of dollars.

P.O. TONNA:

I --

LEG. CARACCIOLO:

So if it's --

LEG. BISHOP:

That's not the appraiser's job, that's our job.

P.O. TONNA:

I don't know if it's the appraiser's job, I think that's a policy decision that the Executive and Legislative Branch make about the why. But I think if I got this right, this Gary Taibbi is supposed to basically analyze and make a review. By the way, just one question, Senior Review Appraiser, why is it not signed, who reviewed this and why isn't somebody signing off that they -- his supervisor or, you know.

DIRECTOR COSTIGAN:

This form is antique, nobody signs off, the Appraisal Reviewers issue their own appraisals now. There used to be eight of them, now there are two, so there is not double review.

P.O. TONNA:

Thank you. Anyway, sorry, Legislator Caracciolo, are you done?

LEG. CARACCIOLO:

Again, Mr. Chairman, I would just point out, I mean, we have to debate the merits of why this property from a policy perspective should be

purchased. And I would just through draw again your attention to in the instant case today's story on Forsythe Meadows, not far from this property, and where the article goes on to point out in the very first paragraph that this acquisition was the single largest made in the County's Drinking Water Protection Program, even though the land wasn't near an area that replenishes the water supply. Now, I don't ever recall when Forsythe Meadows came before the Legislature, we were

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told we were using Drinking Water Protection Funds but I never heard from anybody we were using Drinking Water Protection Funds to preserve open space. This whole area is very problematic. I mean, I don't want to get into all the other issues dealing with Forsythe Meadows matter. It appears to me that that, along with other of these reports that are appearing in the newspaper are best left up to those to review that are in the investigative business, like the U.S. Attorney or the District Attorney and others, and that probably will happen.

But as far as the Legislature's responsibility is, let's not just rule on these matters with our heart, it's Christmas time. We have a few vested interest from the community, from a society, and that's good enough reason for us to buy this property; it's not, it's a \$3.2 million acquisition. We have a responsibility, as this whole series points out time and time again, to represent the best interest of taxpayers, including the very people who come here and lobby us for this. The other point I would just make with regard to --

LEG. FISHER:

Mike, would you suffer an interruption?

LEG. CARACCIOLO:

Just let me -- I've just got a couple of more points and then I'll conclude. In the Forsythe Meadow article it was cited that Mr. Eversoll was the principal involved in that property. Now, I honestly don't remember, I don't know if anyone on the committee remembers, if that was brought to our attention that Mr. Eversoll was the seller, but what I found most interesting in today's article was that he's quoted as saying, Mr. Eversoll, that this was a beautiful piece of property but from an environmental standpoint it isn't, that's politics.

LEG. CARACAPPA:
(Inaudible).

LEG. CARACCIOLO:
No, he was talking about his property, Forsythe Meadows; this was the property owner, Mr. Eversoll.

LEG. CARACAPPA:
I thought we were talking about that.

LEG. CARACCIOLO:
We are talking about that and all I'm saying is you looked at the aerial yesterday that was up, I'm sure this is a beautiful piece of property, I mean, I have no reason to doubt that the people who came here and spoke on its behalf, or the sponsor for that manner, is trying to have us buy a pig in a poke. But buying beautiful property is not --

LEG. FISHER:
Point of personal privilege. Okay, I looked at the appraisals which Mr. Caracciolo, however, has not mentioned --

LEG. CARACCIOLO:
I didn't yield, Mr. Chairman.

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P.O. TONNA:
Wait, wait.

LEG. CARACCIOLO:
I did not yield.

LEG. FISHER:
I'm not trying to have us buy a pig in a poke.

P.O. TONNA:
Wait one second, please.

LEG. CARACCIOLO:

I didn't say that.

P.O. TONNA:

I would ask that both my colleagues to wait --

LEG. FISHER:

It was an unnecessary characterization. I know that you are trying to pander to Newsday and all of the congregate reports, but --

P.O. TONNA:

I would ask Legislator --

LEG. FISHER:

But I would rather not be --

P.O. TONNA:

Legislator Fisher?

LEG. CARACCIOLO:

Legislator Fisher --

P.O. TONNA:

Just wait. Legislator Caracciolo, please, I'm going to make one attempt, just one attempt, please.

LEG. FISHER:

The comps were all --

P.O. TONNA:

No, no, just wait, just wait, please. And I do not want to be rude to any of my colleagues, but I would ask, Legislator Caracciolo has the floor, a point of personal privilege is to ask Legal Counsel something that relates directly to some procedural motion or something else, or you have to be recognized by me.

LEG. FISHER:

Or being accused of trying to force the County to buy a pig in a poke.

LEG. CARACCIOLO:

I did not say that.

P.O. TONNA:

I don't think anybody --

LEG. CARACCIOLO:

I would like to have the stenographer read my statement back.

P.O. TONNA:

I would ask -- I would ask please.

LEG. CARACAPPA:

Mr. Chairman?

P.O. TONNA:

Legislator Caracciolo, you have the floor, you will finish. Legislator Fisher, you will have your opportunity and nobody will interrupt you for your opportunity to make your argument.

LEG. FISHER:

And I will not cast dispersion on my colleagues.

LEG. CARACCIOLO:

I am not casting --

LEG. BINDER:

I have been on the other end of your dispersion.

P.O. TONNA:

Okay. Legislator Caracciolo, you were in the midst of your --

LEG. CARACCIOLO:

I was almost getting ready to conclude, but I can go on.

P.O. TONNA:

No, I would ask -- Legislator Caracciolo, I would ask that you -- what else?

LEG. CARACCIOLO:

Well, again, you have to use history as a guide of where you're going to go in the future. And all I'm saying, Mr. Chairman, is that when you look at these stories day in and day out in Newsday, let's not see the repeat of errors and omissions, either intentionally or unintentionally, by facts not being properly and completely disclosed before this Legislature. Because it becomes clearer and clearer to me as I read this series that's exactly what's been going on, that's unacceptable and people -- just as we talked about earlier, Mr. Chairman, and you were talking about the Employee Health Benefit Fund, individuals have to be held responsible. Just because you're a government official or an elected official, you're not immune from

doing your job and doing it properly and legally.

P.O. TONNA:
Thank you.

LEG. CARACAPPA:
Mr. Chairman, I have two questions for the Legislator.

P.O. TONNA:
Legislator Caracciolo, with the passion that you speak, you're not speaking at me, right, you're speaking with me. I just want --

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LEG. CARACAPPA:
Can I ask the Legislator two questions relating to his comments?

P.O. TONNA:
There's a -- there is a list and you're after Legislator Fisher. Do you mind, Legislator --

LEG. FISHER:
No, I'm not on the list.

P.O. TONNA:
Well, Legislator Haley and then I put Legislator Fisher. Okay, so it's Legislator Haley then Caracappa.

LEG. HALEY:
I really appreciate Legislator Caracciolo's comments about Legislator Newsday. I mean, I have to tell you something, I feel extremely comfortable with the positions I take relative to acquisitions, the acquisitions that I have not only put in for for myself but some of my colleagues as well. I feel very comfortable in being able to say that Newsday, who lacks probably a large portion of the information that we have available, all right, doesn't necessarily reflect the problems that you think they reflect or that may be real for this County. And I'm sure as heck not going to be driven by some inappropriate misprints by Newsday and their inability to really get down to the chase.

Now, the point of the matter is that we've gone through this years in and years out. The biggest problem is and what a lot of people don't understand who are not in the real estate industry is that appraisals are, in fact, opinions. And as long as you establish how you came to that opinion, it doesn't mean it's a bad appraisal, it doesn't mean it's a good appraisal, it's just an opinion and we've used opinions all along. The problem we have through this whole process and the problem that the last Director of Real Estate had, okay, was, in fact, the consummate environmaniac, Dick Amper, pressured the administration, pressured the Legislature to improve their acquisitions; that, in effect, affects the demand, supply and demand. We increased the demand substantially because we reacted to Mr. Amper, and now what's happened, it is the same Mr. Amper who came back, all right, and managed to tweak Newsday and the rest of them to say we've now done something inappropriate. What we've done is we've met the demand of the Legislature, the demand of the environmentalists and the people who voted for the referendum, and we're making a mountain out of a mole hill.

I feel comfortable with the acquisitions we've done, I feel comfortable with Mr. Taibbi's review of the same because in a lot of instances he's rejected things but he rejects things based on certain components of it because they have some standard practices that they use when they approach Real Estate appraisals. And I am glad that they -- and I feel comfortable, I feel very comfortable with our Real Estate Division and the fact that they're looking at these things very closely. And I can't imagine for the life of me that all of a sudden we're still going to have a problem because of the timeliness of a Newsday article. Thank you.

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P.O. TONNA:
Legislator Caracappa --

LEG. CARACAPPA:
Thank you.

P.O. TONNA:
-- you have the floor.

LEG. CARACAPPA:

Yeah, just a couple of quick questions to Legislator Caracciolo. Have you -- I'm sure you've reviewed the comps per acre, the surrounding areas with relation to the Sherwood-Jayne property?

LEG. CARACCIOLO:

No, I've looked at the appraisals and they're inconsistent with one another.

LEG. CARACAPPA:

So you feel the appraisal amount isn't consistent with the property?

LEG. CARACCIOLO:

Legislator Caracappa, I am uncomfortable for two reasons. Number one, both appraisers, Rogers and Taylor and Frederick Wood, their work product along now with Mr. Taibbi's review, in my mind, is called into question. So I don't have a lot of confidence in any of these appraisals.

LEG. CARACAPPA:

Christine, with relation to the comps on the acreage around the parcel, are they right in the ball park?

DIRECTOR COSTIGAN:

They had comps that were for the improved segment and the vacant segment, the comps were -- there were a number of them over a hundred thousand, we're paying 90,000.

LEG. CARACAPPA:

So we're on the shorter end of it which is a good thing; I said shorter, I meant lower.

DIRECTOR COSTIGAN:

This price is below all the appraisals and the appraisal review.

LEG. CARACAPPA:

The appraisal price that we're going with, you as Director, you're comfortable with that with relation to the leg work that was done with regard to the comps?

DIRECTOR COSTIGAN:

I am. We are adopting the number which was the Appraisal Reviewer's number which was lower than some of the appraisals and I'm comfortable with it.

LEG. CARACAPPA:

Well, I think that goes to the heart of what we do as elected officials, to make sure that there's an appraisal that is right in line with surrounding properties, that there isn't a need for a purchase of this magnitude, that it's the taxpayers in any given area, whether it be the east end, the middle of the Island such as myself or along the north shore such as this property is; they all paid for it. And they come to them, they make a valid claim, we go through the process that is presented before us, everything is in check, everything seems to be on the up and up with relation to everything I've read. And it's our job now, as we've done our due diligence, to deliver to the taxpayer and I'm prepared to do so now.

LEG. FOLEY:

Mr. Chairman? Who's next?

P.O. TONNA:

Legislator Foley, how did you know?

LEG. FOLEY:

Yeah, thank you.

P.O. TONNA:

On, Legislator Binder then Foley.

LEG. FOLEY:

Okay. Go ahead, Allan.

LEG. BINDER:

No, no.

LEG. FOLEY:

Okay. Allan, Allan, go ahead, I'll wait.

LEG. BINDER:

I don't think I can be as long as Legislator Haley.

LEG. CARPENTER:

I bet you could.

LEG. BINDER:

Yeah, I bet I could, you're right. I think -- we're kind of in the midst of a lot of questions. Whether Legislator Newsday is right or not, I usually have my suspicions; basically three-quarters of what I read have no relation to what seems to be happening and, you know, I'm kind of used to that, particularly on the editorial side, I'm waiting for the wonderful editorial which has no relation to reality.

But that being said, the fact is that there are real questions that are being raised, no matter what you parse through, no matter what you see, they are doing an investigation, they are looking at documents and they're raising some real questions. So their conclusions we may not agree with but questions are being raised and we're in the midst of that now.

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I think Legislator Caracciolo is correct in that -- Legislator Caracciolo is correct in that he notes that there is a lot of overlap between appraisers. Now, maybe that's coincidence and maybe we don't have a lot of appraisers, but it seems to be the same names coming up in a lot of the questions. But to add to all that, I don't know that we have to, quote, deliver to the taxpayers; see, it's their money, I don't know if it's about delivering all the time. I think sometimes there's another --

LEG. CARACAPPA:
Delivering the process.

LEG. BINDER:
Well, the process is the vote, that's fine, I mean, that's the delivery is the vote, the taxpayers expect a vote on this up or down, it doesn't mean we have to deliver the land to some people if it's inappropriate. And I think you have to overlay all the questions and all the problems and the fact that we've got appraiser's names popping up and what we're seeing in the newspapers but overlay all of that with the question of imminent danger of development. Because we have to be really careful with the amount of money, as stewards of the money, how much money we have, where we're spending it, how we're spending it. And I keep hearing over and over, I've had someone come

up to me, "No, you have to know that there's an imminent danger because this group who owns land from Brooklyn to here has in the past some other time has gone to excess some of the land," and because they did and they could when they're under some financial strain they might do it again. Might do it again; what's might do it again? This is \$3 million from might do it again. They didn't threaten to do it, they haven't come out and said, "We are under financial strain." We didn't come to government and say, "Look at the books, we're really hurting here, we have no choice. Either you come to us and buy this or going to develop this."

This is a group started with Ward Melville all the way back for the preservation of antiquities. What we're talking about doing here is taking County taxpayer's money, let's talk about delivering for taxpayers. Taking County taxpayer's money and giving it to a group that hasn't said they're going to develop the land and we're going to give them a subsidy so they can run it better, we're going to help them, we're going to give them money. Because nothing is going to change, no status, it's not preserved any more or any less, it's going to continue to be preserved. The difference is we're taking the people's money and giving it some people to run it instead of them running it, which they're doing and haven't said they're not going to do.

I don't know if we've lost our mind. We're in the middle of serious questions and we're going to give away the people's money to preserve something preserved, not under any imminent danger, this is ridiculous. And no one cares because you're all talking, enjoy, enjoy, have the conversations, don't care, give away the people's money, it's an amazing thing to watch.

P.O. TONNA:
Legislator Bishop. I mean, Legislator Binder, we just used the blood pressure cuff yesterday. I would ask, please --

LEG. BINDER:

I will just vote no.

P.O. TONNA:
Legislator Binder, please, sit down. We still have --

LEG. BINDER:
I am waiting for --

P.O. TONNA:
After that vote we have another vote. Relax. Please sit down,
Legislator Binder, please? Please.

LEG. BINDER:
I like to stand.

P.O. TONNA:
Okay. Legislator Crecca -- Foley, Crecca and then we've got to vote.
Legislator Bishop is going like this a lot.

LEG. FOLEY:
Thank you, Mr. Chairman. Ms. Costigan, the Appraisal Review that's
before us, this is dealing with Resolution 2235, correct?

DIRECTOR COSTIGAN:
That's right.

LEG. FOLEY:
Is it the Farmland portion or is it the 36 -- what acreage are we
talking about?

DIRECTOR COSTIGAN:
This appraisal is of the fee, the purchase of the 36 acres.

LEG. FOLEY:
Okay. Now --

DIRECTOR COSTIGAN:
And he does refer also to the valuation of the farmland, but I believe
this resolution is the 35 acre fee parcel.

LEG. FOLEY:
All right. When we get into the point that Legislator Caracappa
mentioned earlier, if you go to page number three of the Appraiser
Review continuation, the Review Appraiser's comments were as follows;
49 acres, less four acres for buildings, 45 acres is 4,050,000.

DIRECTOR COSTIGAN::
Right.

LEG. FOLEY:

Without development rights, 450. So the development rights value at 80,000 per acre is 3.6 million; is that correct?

DIRECTOR COSTIGAN:

That's correct.

LEG. FOLEY:

And that is for how many acres?

DIRECTOR COSTIGAN:

That valuation he has according to his math is for 45 acres.

LEG. FOLEY:

All right.

DIRECTOR COSTIGAN:

The key point here is I think not the acreage as we don't have a final survey, it's the --

LEG. FOLEY:

Was the valuation.

DIRECTOR COSTIGAN::

It's the value per acre.

LEG. FOLEY:

All right. The valuation is not 90 but 80,000 per acre, correct?

DIRECTOR COSTIGAN:

That's correct, the development rights value 80,000 per acre.

LEG. FOLEY:

All right. But we've heard testimony that in this particular area it can be as much as a hundred to some would say as much as 200,000 and acre that could be -- acreage could be sold for.

DIRECTOR COSTIGAN::

Yes. There's no question over a hundred thousand, I don't know about --

LEG. FOLEY:

Okay, it's over a hundred thousand.

DIRECTOR COSTIGAN::

Yeah.

LEG. FOLEY:

So the amount that the seller has agreed to sell to the County is how much per acre?

DIRECTOR COSTIGAN:

We are buying at 90,000 per acre with development rights.

LEG. FOLEY:

Which is that?

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DIRECTOR COSTIGAN::

That's the second number there, you see.

LEG. FOLEY:

I understand that. So is this at -- so this is both -- so the accepted price, if you will, accepted sale price, in your estimation is it below market value?

DIRECTOR COSTIGAN::

I think it is slightly, it's very competitive, I would say it's slightly below many other comparables I saw.

LEG. FOLEY:

Okay, thank you.

LEG. CARACAPPA:

Roll call.

P.O. TONNA:

No, Legislator Crecca has the floor.

LEG. CRECCA:

Christine, I know we went over this in committee and I apologize, but there's a couple of questions that have come up today. Right now the way the property is held, the title is in SPLIA's name?

DIRECTOR COSTIGAN: :

Yes. We did a last owner's search, the title is in SPLIA's name, yes.

LEG. CRECCA:

Okay. Is there currently a covenant on the land that it cannot be developed?

DIRECTOR COSTIGAN:

There is not.

LEG. CRECCA:

So SPLIA could sell it to develop it, correct?

DIRECTOR COSTIGAN:

Yes, it could.

LEG. CRECCA:

Okay. When the property was valued by the appraiser, it was -- was it valued using its best use which would be I guess developing into residential housing?

DIRECTOR COSTIGAN:

Yes, it was.

LEG. CRECCA:

Is that the normal -- what we would like for an appraiser to do, I guess is it fair and reasonable use or best use?

DIRECTOR COSTIGAN: :

That is the marching orders of the appraisers is to value it as the highest and best use.

LEG. CRECCA:

Okay. And again, I know this question was asked but just -- this appraisal review makes it sound like their methodology was wrong, or am I --

DIRECTOR COSTIGAN:

I think the Appraisal Review is merely distinguishing between doing a subdivision analysis versus a vacant land analysis. The subdivision analysis means you have to get into how exact many plots you could get out of it; we're not interested in the number of plots, we're only interested in the acreage. So they're still looking at the land, the highest and the best uses for development, but they're looking at it on a raw basis rather than a defined subdivision per plot basis.

LEG. CRECCA:

And what is -- they're talking about 10,000 off, I guess, saying 90,000 an acre, less 10,000 without development rights.

DIRECTOR COSTIGAN:

Without development rights.

LEG. CRECCA:

What does that mean?

DIRECTOR COSTIGAN:

That if they had already, for instance, sold off the development rights, what they would expect to get or would have gotten was 10,000 for them. The --

LEG. CRECCA:

Oh, 10,000, not 80,000, I'm thinking 80,000; 10,000 an acre.

DIRECTOR COSTIGAN:

I'm not sure we're on the same page.

LEG. CRECCA:

Okay. With development rights, what you're saying is we're buying this with its development rights.

DIRECTOR COSTIGAN:

Yes, that's right.

LEG. CRECCA:

All right.

DIRECTOR COSTIGAN: :

And that's why we're at the 90,000 figure.

LEG. CRECCA:

Okay. If SPLIA had a covenant on the property that said they could never develop it, it would be worth how much an acre according to this, 10,000 or 80,000?

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DIRECTOR COSTIGAN:

It would be 10,000.

LEG. CRECCA:

Okay.

DIRECTOR COSTIGAN::

Having sold off the development rights at 80,000 an acre for the rights.

LEG. CRECCA:

Okay. And we are paying less than or equal to the 90,000 an acre.

DIRECTOR COSTIGAN::

We are paying --

LEG. CARACCILO:

I have a question.

DIRECTOR COSTIGAN:

The 90,000 an acre is what the offer has been accepted at.

LEG. CRECCA:

Okay.

DIRECTOR COSTIGAN::

Which is less than two of the other appraisals and less than the market value.

LEG. CRECCA:

And it's subject to a survey to confirm the acreage.

DIRECTOR COSTIGAN::

Absolutely, yes.

LEG. CRECCA:

I'll yield to -- well, I won't yield to anybody, I'm done.

P.O. TONNA:

I just have one -- I asked Tom Isles yesterday and I'd like to ask you. When reading the Appraisal Review, basically he's saying there's a problem with Mr. Tailor's review, not on the valuation but on the amount of land, right?

DIRECTOR COSTIGAN::

Yes.

P.O. TONNA:

Okay. In the second one he just says -- the Frederick Wood's one he just out and out rejects, right, the report is rejected?

DIRECTOR COSTIGAN:

That's what he says.

P.O. TONNA:

Okay.

LEG. FOLEY:

Because it's too low.

P.O. TONNA:

Right. My question to you is, all right, you have something like this. And again, this is the first time, we're walking through a process where we have this type of information.

DIRECTOR COSTIGAN::

Yeah.

P.O. TONNA:

I didn't sit in committee, I'm not on the committee. Gentlemen? What do you do as the Director of Real Estate or whatever else, what do you do when you get an appraisal, what do you do?

DIRECTOR COSTIGAN: :

In this particular instance, I mean, we looked at the appraisal that was approved which was higher, considerably higher, and we looked at the number and the conclusion that the reviewer had come up with which was equal to what we believed the -- you know, we wanted to make an offer at. And we also, remember, had a third appraisal that we were aware of that Babylon had -- excuse me, that Brookhaven had gotten from one of our appraisers. So we didn't even use that as our appraiser to rely on, but we did use it just for consultation purposes and that, too, verified that we were in the right range to make the offer.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

I'd like to note that I never received a copy of the third appraisal that was just referenced.

DIRECTOR COSTIGAN: :

The third appraisal is not one of the two on which we relied for purposes of the procedure, it is one we consulted though.

LEG. CARACCIOLO:

Okay, but --

P.O. TONNA:

And what was that, how much did they appraise that at?

DIRECTOR COSTIGAN:

They were at a hundred thousand per acre.

P.O. TONNA:

Instead of the 90.

DIRECTOR COSTIGAN: :

Yes.

P.O. TONNA:

Okay, so that was even higher. So just --

LEG. FOLEY:

It's still cheap.

P.O. TONNA:

The reason why -- okay, I just want to get this, to look at this report because there's a lot of things. Your thinking was the lower -- Mr. Taibbi valued this at three thousand -- three million, six hundred thousand, right?

DIRECTOR COSTIGAN: :

Yes, that's right.

P.O. TONNA:

Okay, and that's why -- but we are actually getting it at three million two hundred, right, three million --

DIRECTOR COSTIGAN:

Yes, I think that could be the acreage difference, though. Again, you should stay with the acre number I think, not the total number.

P.O. TONNA:

All right, what's the per acre valuation we're getting?

DIRECTOR COSTIGAN:

Its per acre valuation was 90,000, that's what we're getting it for.

P.O. TONNA:

Ninety thousand.

LEG. FOLEY:

Which the testimonies were just slightly below market value; some who live in the area would contest that that is dramatically below market value.

DIRECTOR COSTIGAN:

At the most conservative view, it's slightly less.

P.O. TONNA:

How much are we paying for this property?

DIRECTOR COSTIGAN:

When I get a survey I'll know exactly, but --

P.O. TONNA:
Why should we not get the survey first?

DIRECTOR COSTIGAN: :
We never get the survey first.

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P.O. TONNA:
We don't?

DIRECTOR COSTIGAN: :
No. We know generally, the description will be a general description subject to verification by the survey, it's the price per acre we want to agree on.

P.O. TONNA:
Okay. Thank you very much.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. TONNA:
Roll call.

LEG. CARACCIOLO:
No, I have a question.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Christine, has the Long Island Antiquities Society when the County appraised them of our appraised values, indicated at any time that if the County were to not successfully be the purchaser of this property that they had imminent plans to sell the property to developers?

DIRECTOR COSTIGAN: :

We didn't have that discussion.

LEG. CARACCIOLO:

I think that -- Mr. Chairman, I think that's a very significant point, and this goes back to what Legislator Binder was saying. Here we are constantly being rushed to take actions that there really aren't sufficient justifications to justify. There's no one that came before the committee, by the way, because I did make that inquiry and no one said, "Well, if the County doesn't buy it we are turning around tomorrow or next week or next month and selling the property." That is one of the key criteria, along with others -- and bear in mind that this property even as -- in its grandeur as it's been described, just barely qualifies for acquisition, it ranks 25 out of 100 points. I don't see what the urgency is. This is what has happened in the past, and I cited a few examples last night.

P.O. TONNA:

I think, Legislator Caracciolo, just if I can -- I think what you're raising is two different issues. One issue is about the --

LEG. FISHER:

Development issue?

P.O. TONNA:

The policy issue of whether we should purchase it or not, okay, that's a separate issue.

LEG. CARACCIOLO:

Right.

P.O. TONNA:

If we got it for \$5 would it be worth it or not? You might still say it's not worth \$5 because it's just low on our priority, we should spend the money elsewhere.

LEG. CARACCIOLO:

Well, we don't have priority, that's another whole issue.

P.O. TONNA:

Well, yes. But my concern is one issue is a policy issue whether we should buy this piece of property or not, and that obviously every Legislator is -- the second one is the valuing process. Although, you know, I'm reading this -- basically the way that I read this is that you've had a review appraiser say here are two appraisals, there's a whole bunch of concerns and stuff like that, they value it at even more, you know, than the Frederick Woods.

LEG. CARACCIOLO:

Mr. Chairman, I have to interrupt you there because who valued it at more? The sellers.

LEG. FISHER:

No.

P.O. TONNA:

No.

LEG. CARACCIOLO:

Yes.

DIRECTOR COSTIGAN::

No.

LEG. FOLEY:

The appraiser, the Review Appraiser.

LEG. CARACCIOLO:

I'm sorry, the Town Appraiser gave this a higher value --

P.O. TONNA:

No.

LEG. FISHER:

No.

P.O. TONNA:

Well, yeah, but they're going to --

LEG. CARACCIOLO:

Excuse me.

P.O. TONNA:

Yes, but this is the point and this is my point and this is why I'm comfortable I think -- and I couldn't start the day like this, but I'm comfortable because we're getting the price of the one that undervalued accordingly. We're not paying the price that the higher Town of Brookhaven valued at, we're paying under what the review appraiser says and --

LEG. FOLEY:

That's right.

P.O. TONNA:

-- we're paying under what is rejected. So here's your low ball figure appraiser and you're getting it less than even somebody who reviewed this and said they're not accurate and they're not accurate because it's too low and we're still getting lower than that.

LEG. CARACCIOLO:

Did you look at the dates --

P.O. TONNA:

So it's a deal.

LEG. CARACCIOLO:

Did you look at the dates on the appraisal reports?

P.O. TONNA:

Um --

LEG. CARACCIOLO:

Which one was done first?

P.O. TONNA:

I didn't, Legislator Caracciolo, but I have it right here in front of me.

LEG. CARACCIOLO:

The town appraisal was done more than a year ago and came in at a million dollars higher value than the County appraisal.

P.O. TONNA:

Right, and that's --

LEG. CARACCIOLO:

So we hear all along how land values are increasing --

P.O. TONNA:

Right, but the top one -- if we were splitting the difference between the County and the town, if we were splitting the difference between the low one and the County Review Appraiser, I would say you know what, there's no rush on this, let's take our time. But what we're doing is our Review Appraiser says you know what, we're going to get it lower than somebody who I think low-balled the appraisal. And I say to myself if that -- that's a deal.

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LEG. FISHER:

Can we vote then?

P.O. TONNA:

That's what I'm saying.

LEG. FISHER:

Call the vote.

P.O. TONNA:

The second question is whether we should purchase it or not, it's a policy decision.

LEG. CARACCIOLO:

Exactly.

P.O. TONNA:

That's two separate issues and we have to make in one vote the decision of whether we want to buy this property or not and secondly, do we want to pay the price that we have.

LEG. CARACCIOLO:

Well, the sponsor says I should vote no and that's exactly what I intend to do. I just wish I had all the facts and information that I have to read in Newsday about Forsythe Meadows because I would have

voted no on that one.

P.O. TONNA:

Legislator Caracciolo, I do want to say one final thing and that is I appreciate -- by the scrutiny that you're providing with this and other of our colleagues, I think I'm getting a better hold of some of what's going on. And to tell you quite honestly, I think this is the type of policy debate and discussion that in a democracy -- if we were doing this over every single piece of property and we were getting review appraisals and we were getting all of this type of input from the County and everything, I think we would have a little more money to purchase a little more land, that's the point.

LEG. HALEY:

Maybe.

P.O. TONNA:

Yes, maybe. Okay, roll call.

(*Roll Called by Mr. Barton, Clerk&)

LEG. FISHER:

Yes.

LEG. BINDER:

Motion to recommit.

P.O. TONNA:

There's a motion to recommit -- the only thing I ask, Legislator Binder -- because you want to be on it?

LEG. FOLEY:

There's no second.

P.O. TONNA:

Okay. All right, fine. Can we please -- there's no second.

LEG. CARACCIOLO:

I would second the motion.

P.O. TONNA:

All right, seconded. All in favor? Opposed?

LEG. CARACCIOLO:

Roll call.

LEG. CARPENTER:

On the motion.

P.O. TONNA:

No on the motion, please.

(*Opposed said in unison by Legislators*)

LEG. CARPENTER:

On the motion.

P.O. TONNA:

Okay, there's two for.

LEG. CARACCIOLO:

No, no, I requested a roll call.

P.O. TONNA:

Oh, okay.

LEG. CARPENTER:

I have a question, on the motion; and I apologize, I stepped out of the room.

P.O. TONNA:

This was like a Benson & Hedges or that Cult45; all of a sudden, I have a -- the nonverbals you just got from the whole group here. Anyway, please.

LEG. CARPENTER:

I do apologize but I was out back coughing.

P.O. TONNA:

That's okay.

LEG. CARPENTER:

2235, just explain the difference in the two resolutions. I know 36 is approving the acquisition, but what is this to more fully identify the parcel?

MR. SABATINO:

2235 is to acquire the ten acres of development rights, farmland development rights; 36 which is the second bill, is to buy the back 36 acres fee title open pace. So one is Farmland Development Rights 10 acres, one is Open Space 36 acres for a total of 46.

P.O. TONNA:

Thank you.

LEG. FISHER:

Paul, may I? And the reason it's called fully described is because the acreage had been listed incorrectly when we had the planning steps.

P.O. TONNA:

Okay.

LEG. FOLEY:

Mr. Chairman? Also to correct Legislator Caracciolo --

P.O. TONNA:

No, no, no. Please, please, please, please, don't do this.

LEG. FOLEY:

No, there's a more recent appraisal which was done on -- and I mean this respectfully, Mike -- it was 9/12/02, not a year-and-a-half ago, a year ago, 9/12/02 was when the Review Appraiser inspected the site and thereafter made his appraisal which is \$400,000 higher than what the agreed price is; or to put it a different way, it's still below market value.

P.O. TONNA:

Okay. Can we have a roll call? This is to recommit to committee. There's a motion and a second; roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BINDER:

Yes.

LEG. CARACCILO:

Yes.

LEG. COOPER:

No.

LEG. BISHOP:

(Not Present).

LEG. FIELDS:

Gone.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

(Not Present).

LEG. GULDI:

No.

P.O. TONNA:

No.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

P.O. TONNA:

Okay, there's a motion and a second --

MR. BARTON:

Five.

P.O. TONNA:

-- to approve.

LEG. GULDI:

Roll call.

P.O. TONNA:

You want a roll call? All right, roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

(Not present).

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

P.O. TONNA:

Yes.

LEG. NOWICK:

Abstain.

MR. BARTON:

10 (Not Present: Legislators Towle, Postal & Bishop).

P.O. TONNA:

Okay, thank you. We're going to move now -- and I would ask -- this

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is 2236 - Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Back 36 acres of Sherwood-Jayne Farmstead, East Setauket, Town of Brookhaven) (Fisher).

LEG. FISHER:

Motion to approve.

P.O. TONNA:

Seconded by Legislator Caracappa. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present).

LEG. NOWICK:

Abstain.

P.O. TONNA:

Just wait, there's one other thing after this vote, please. Don't leave.

LEG. CRECCA:

Yes.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

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LEG. CARACCIOLO:
No.

LEG. GULDI:
No.

P.O. TONNA:
Yes.

MR. BARTON:
10 (Not Present: Legislators Towle, Postal & Bishop).

P.O. TONNA:
Thank you very much.

Now I have just actually three quick things. One, anybody who wants, or tell your office staff, on December 27th at 10 A.M. here, any

Legislators who would like to talk about possible rule changes for how we can organize ourselves better for next year, 10 A.M. We're going to be meeting, the only thing I remind people of is that there's an open meetings law so that, you know, the 27th, okay? And maybe at least on Organizational Day we'll have a list of options. My hope is prior to that time we can get documents to everyone so they can look them over prior to the meeting.

Secondly, I want to make sure that everybody knows tomorrow at three o'clock, you, your friends, your family, your office staff, anybody who -- you know, whatever, you're invited to the Christmas party here.

Third is Legislator Caracappa, we're not having a dinner for whatever, but you win the Newsday Front Page Award and so we want to give this to you for your actions with regard to the ball park. So Legislator --

LEG. CARACAPPA:
A little late.

P.O. TONNA:
I know it's late. My staff did the research and said hey; this is a 2000 --

LEG. CARACAPPA:
This is two years late.

P.O. TONNA:
So this is two years late, there you go. All right?

And then finally, just happy holidays. And you know what? Just everyone have a really good holiday season, all right? Thank you.

[THE MEETING WAS ADJOURNED AT 5:43 P.M.]